ENGLAND'S SACRED SYNODS

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England's Sacred Synods.

A CONSTITUTIONAL HISTORY

OF THE

CONVOCATIONS OF THE CLERGY.

LONDON:
GILBERT AND RIVINGTON, PRINTERS,
ST. JOHN'S SQUARE.

England's Sacred Synods.

A CONSTITUTIONAL HISTORY

OF THE

CONVOCATIONS OF THE CLERGY,

FROM THE

EARLIEST RECORDS OF CHRISTIANITY IN BRITAIN

TO THE DATE OF THE PROMULGATION

OF THE PRESENT BOOK OF COMMON PRAYER:

INCLUDING A

LIST OF ALL COUNCILS,

ECCLESIASTICAL AS WELL AS CIVIL, HELD IN ENGLAND,

IN WHICH THE CLERGY HAVE BEEN CONCERNED.

BY

JAMES WAYLAND JOYCE, M.A.

LATE STUDENT OF CHRIST CHURCH, OXFORD,

RECTOR OF BURFORD (THIRD PORTION),

AND ONE OF THE PROCTORS FOR THE CLERGY OF THE DIOCESE OF HEREFORD.

Ἀρχαῖον γὰρ δή τι φαίνεται ἐόν.—HEROD. *Eut.* 104.

LONDON:

RIVINGTONS, WATERLOO PLACE.

1855.

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TO THE

REVEREND THE PAROCHIAL CLERGY

OF THE

DIOCESE OF HEREFORD.

Reverend and Dear Sirs,

To you I venture to dedicate this inadequate acknowledgment of the trust you have committed to me as one of your representatives in the Provincial Synod of Canterbury.

The main objects kept in view throughout these pages have been—to show that the English Convocations are of ecclesiastical origin, being pure Provincial Synods, constituted upon the model of the apostolical and primitive Church assemblies—to maintain the just independence of this National Church on any foreign power—to prove that in all ages of our history questions touching the law divine have been held to belong to the Spiritualty,—and to produce evidence from public records that the Reformation in religion, having been synodically authorized in this country, was the proper work of the Church of England in her sacred synods.

I am deeply sensible of my inability to do full justice to the high and important subjects here involved; still, in offering this tribute of grateful respect to you, who will readily discover its numerous defects, I have full confidence that they will all be treated, at least at your hands, with such forbearance and consideration as can reasonably be extended to them.

I am, reverend and dear Sirs,

Your faithful Brother,

JAMES WAYLAND JOYCE.

Burford Rectory.
Tuesday before Easter, 1855.

70343

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Œcumenical Councils are excluded in the above, as not properly belonging to the present subject and design.

The reasons for the division into periods will appear in the body of the work.

ERRATA.

For "Innett" *read* "Inett" *passim.*
Page 119, last note, *for* "R. J. Wilberforce" *read* "R. I. Wilberforce."
Page 127, last line of the fourth column of the table, *for* "Egbert II." *read* "Egbert."
Page 151, line 7, *for* "our" *read* "her."
Page 355, sixth column of the table, line 12 from bottom, *for* "July 1, 1540" *read* "July 1, 1539."
Pages 550, 551, in headings of tabular list, *for* "1534—1553" *read* 1559—1604."

CHAPTER I.

APOSTOLICAL SYNODS.

SUMMARY.

I. At the ascension of our Lord a change passed upon his Church. II. What that change was. III. The principle of synodical deliberation enforced by our Lord Himself. IV. Synod for the election of S. Matthias. V. Synod for the appointment of deacons. VI. Synod of Jerusalem. VII. English provincial synods or convocations constituted after the example of the Synod of Jerusalem. VIII. None but bishops and presbyters admissible to give a *votum decisivum* in synods, in accordance with the example of the Synod of Jerusalem. IX. But laity should unite in giving force to synodical decisions in accordance with the example before mentioned. X. Ecclesiastical synods judicial as well as legislative assemblies. XI. In the primitive Church censures ecclesiastical not enforced by punishments temporal. XII. The two main duties of synods. XIII. The necessity of some authority for solving questions of doubt in matters spiritual. XIV. That authority resides in Church synods. XV. Faith and discipline not the result of private judgment. XVI. Summary.

Κλεινὸς δ' ὁ πόνος μοι
Θεοῖσι δούλαν χέρ' ἔχειν—
οὐ θνατοῖς, ἀλλ' ἀθανάτοις,
εὐφάμοις πόνοις μοχθεῖν
οὐκ ἀποκάμνω.
EURIP. *Ion*, 131—135.

"Res antiquæ laudis et artis
Ingredior, sanctos ausus recludere fontes."
VIRG. *Georg.* ii. 174, 175.

I. At the ascension of our Lord a change passed upon his Church.

A.D. 33.

AT that hour[a] when our Lord ascended[b] from earth, and left his Apostles "gazing[c] up into heaven," a change passed upon the circumstances of the Christian Church. While He abode here, and went in and out among his Apostles and disciples, He was Himself the depository of all divine truth. To

[a] S. Mark xvi. 19. S. Luke xxiv. 51.
[b] Acts i. 9.
[c] Acts i. 11.

A.D. 33.

Him they referred all their doubts; from Him they sought instruction in each particular relating to their faith; by his lessons they learned how they should conduct themselves in all the passages of this life, and in their journey onwards towards the next. Indeed the whole narrative of the Gospel history affords conspicuous evidence that the first followers of the Lord Jesus Christ looked to Him for a resolution of every question which arose among them, whether referring to faith or practice: a fact thus vividly brought home to our minds by that exclamation of S. Peter, "Lord, to whom [d] shall we go? thou hast the words of eternal life." And even after the Lord's crucifixion and burial his Apostles had yet more to learn from Him before they were themselves fully prepared to succeed to the office of instructing mankind in divine truth: they were not as yet themselves finally instructed to go forth on that mighty errand in which He had been engaged during the years of his ministry. For though the Lord was for a season withdrawn from his infant Church, still those teachers who were to succeed Him had some farther commission to receive; they were not yet finally charged with that sacred ambassage which they had been called to undertake. And therefore He thought good to "shew [e] Himself" to them "after his passion," not only conferring upon them gifts needful for the ministry, but "speaking of the things pertaining [f] to the kingdom of God," before their great work should be begun. And to proceed one step farther, after the Divine breath [g] had conferred on the Apostles the power of remitting and retaining sins,—after they had received on the Galilæan mount the commission to baptize and teach all nations [h],—even after those events, we find them again appealing for instruction at least on one point to their heavenly Master in these words, "Lord [i], wilt thou at this time restore again the kingdom to Israel?" So clearly do we learn that the Lord Jesus Christ while on earth was not only for his disciples, but for his Apostles highly gifted though they were, the sole depository of divine truth. His lips kept the key of knowledge; to Him every appeal was made in questions which pertained to his heavenly kingdom.

[d] S. John vi. 68.

[e] Acts i. 3.

[f] Acts i. 3.

[g] S. John xx. 22, 23.

[h] S. Matt. xxviii. 19, 20.

[i] Acts i. 6.

II. What that change was.

But after the eyes of his admiring Apostles lost sight of their Lord in that cloud [j] which re-

[j] Acts i. 9.

ceived Him upon the Mount of Ascension, a change passed upon the circumstances of his infant Church on earth. That truth which had before resided with Him alone, now abode with those to whom He had committed it, and who by Him were commissioned to teach it to others. It was not yet indeed to be proclaimed abroad, until they should be "endued with power[k] from on high;" but still it abode with them, and was ready to be preached forth after a few days of seclusion[l] and prayer[m] and supplication, after a little space had been allowed for ordaining one to be a witness[n] with them, and to take part of that ministry[o] and apostleship from which a traitor had fallen. Then in an upper chamber in Jerusalem there was hidden from the world a small company, despised by men but highly honoured of God, possessing among themselves that body of truth, which had aforetime been laid up with *One*, even their Divine Master during his sojourn on earth, but which was now committed as a sacred deposit to them. The Gospel of Christ, the "good tidings[p] of great joy to all people," was the pearl of great price entrusted to their stewardship. They carried within them "a secret mighty to move the world." With them was a body of truth not yet written, not yet inscribed save on the fleshly tables of their hearts, but still under the influence of the Spirit of wisdom which should "guide[q] them into all truth," about to be matured into that system of faith and morals which has ever since distinguished the Christian Church from the rest of the world.

A.D. 33.

[k] S. Luke xxiv. 49.
[l] Acts i. 13.
[m] Acts i. 14.
[n] Acts i. 22.
[o] Acts i. 25.
[p] S. Luke ii. 10.
[q] S. John xvi. 13.

The change which had thus passed upon the Christian Church at the Lord's ascension was this. The truth now abode no longer with one, but with many. Each one of the Apostles indeed had received for himself individually authority to bind[r] and to loose, to baptize[s] and preach[t] the Gospel, to dispense the communion[u] of the Lord's body and blood; offices which induced S. Paul to say, "Let[v] a man so account of us as of the ministers of Christ and stewards of the mysteries of God." But yet each one did not by himself challenge authority to decide all doubtful questions for his brethren. For though the Apostles were "every one[w] guided by an infallible Spirit in the doctrines which they taught and delivered to the Church," and so the matters upon which they subsequently met and deliberated "might without dispute[x] have

[r] S. Matt. xviii. 18.
[s] S. Matt. xxviii. 19.
[t] S. Matt. xxviii. 20.
[u] S. Luke xxii. 19.
[v] 1 Cor. iv. 1.
[w] Brett on Ch. Gov. p. 286.
[x] Ibid.

A.D. 33.

been determined by any one of them," still, as a fact, no one of them did choose to claim the authority of resolving by himself alone all doubts, all difficulties, and all questions which arose. And one chief reason of their assembling together to determine disputable points synodically, seems to have been this: "That they might leave an example[y] to their successors to instruct them how they ought to proceed in putting an end to controversies when the gift of immediate divine inspiration should be no longer granted." Certain it is that thus they acted themselves, and left an apostolic model which the Church, so long as she adheres to primitive example and abides faithful to her divine mission, may not refuse to imitate.

[y] Brett on Ch. Gov. p. 286.

It was indeed one glory of the infant Church that there was a stedfast continuance in "the Apostles'[z] doctrine and fellowship;" and now that Christ's personal presence was withdrawn, though there resided with each one of them the ordinary exercise of his ministry, yet with them as a college, resided the body of divine truth; and ultimate decision on all matters where doubt arose, as was said before, was not as an historical fact challenged by any one individual among them, but common counsel was taken by all.

[z] Acts ii. 42.

III. The principle of synodical deliberation enforced by our Lord Himself.

This principle of taking common counsel in synodical deliberations was[a] enforced by the Lord Himself, when He said to his Apostles, "I say unto you[b], That if two of you shall agree on earth as touching any thing that they shall ask, it shall be done for them of my Father which is in heaven. For where two or three are gathered together in my name, there am I in the midst of them." For it is not to be presumed that these words have reference only to community of prayer: indeed the common consent of writers forbids so narrow an interpretation of this passage, of which the meaning is thus given by the learned Pole: Whenever Christ's people "are met[c] by his authority, or upon his account or command, whether it be for counsel, or judgment, or prayer, or the celebration of any sacred institution of his[d], He is in the midst of them to protect and favour them." It was upon this principle thus proclaimed by Christ that his Apostles, after his removal from them, proceeded to act: and of their constant obedience to his exhortation in this respect we are

[a] Compare S. Matt. xviii. 19. & S. Mark ix. 35.

[b] S. Matt. xviii. 19, 20.

[c] Pole in loco.

[d] See also Bp. Bilson Perpet. Gov. of Christ's Ch. p. 373.

assured by the facts that they "abode[e]" together, that they continued "with one accord in prayer[f] and supplication," that on the day of Pentecost they were found "all with one[g] accord in one place," and that they took counsel together as occasion required.

A. D. 33.

[e] Acts i. 13.
[f] Acts i. 14.
[g] Acts ii. 1.

IV. Synod for the election of S. Matthias.

Very[1] shortly indeed after the cloud on the mount had received[h] the Lord out of the Apostles' sight, they entered into common deliberation, in accordance with their Master's injunctions. The object was, that one might[i] be "ordained to be a witness" of the resurrection, and that an Apostle might be elected to take part of that ministry[j] "from which Judas by transgression" had fallen. After S. Peter had addressed[k] the assembly, two persons[l] were named, Joseph and Matthias, and prayer to God[m] was made that He would signify which He had chosen; when, upon the giving[n] forth of the lots, "the lot fell upon Matthias, and he was numbered with the eleven Apostles." So early an example do we find of the Apostles endeavouring, in a matter of doubt, to secure for their common deliberations their Master's assistance, in accordance with his promise before alluded to, "Where two or three[o] are gathered together in my name, there am I in the midst of them."

[h] Acts i. 9.
[i] Acts i. 22.
[j] Acts i. 25.
[k] Acts i. 15—22.
[l] Acts i. 23.
[m] Acts i. 24.
[n] Acts i. 26.
[o] S. Matt. xviii. 20.

V. Synod for the appointment of deacons.

It[2] was not long before there was again occasion for the Apostles to take common counsel, and, in expectation of the fulfilment of their Lord's promise, to unite in common deliberation. The Church was still in her early infancy, when a matter of internal discipline required arrangement. "There arose[p] a murmuring of the Grecians against the Hebrews because their widows were neglected in the daily ministration." By common consent the Apostles agreed upon a plan for providing against this growing want in the Church. They decided that another order of ministers should be added. Having come to this resolution, they called together "the multitude[q] of the dis-

[p] Acts vi. 1.
[q] Acts vi. 2.

[1] "Quia in primitivâ Ecclesiâ varias synodos celebratas legimus unam de substitutione Matthiæ," &c. &c.—Articles edited by University of Oxford in 1414. Conc. Mag. Brit. iii. p. 361.

[2] "Quia in primitivâ Ecclesiâ varias synodos celebratas legimus unam . . . . aliam de electione VII diaconorum."—Articles edited by University of Oxford in 1414. Conc. Mag. Brit. iii. p. 361.

A.D. 33. ciples," and desired them to look out seven[r] men, who were then ordained[s] by the Apostles to the required ministry. So early was that good example set in the Church of increasing the number of her ministers in order to meet the increasing wants of her children; a course crowned with immediate success, for forthwith "the word of God increased, and the number of the disciples[t] multiplied in Jerusalem greatly." It is to us an example which, if copied in these later ages, might, with God's blessing, produce a like happy result.

[r] Acts vi. 3.
[s] Acts vi. 6.
[t] Acts vi. 7.

In the course of the succeeding seventeen years, we have several indications that common counsel was taken by the Apostles upon occasions of need, and that common consent in matters of importance was secured. These indications may be perceived in the united determination of the Apostles[u] to send down Peter and John to Samaria, in order that they might by the laying on of hands confer the gift of the Holy Ghost: and also in that agreement[v] to admit the Gentiles into the Church, which was secured by the address[w] of S. Peter to the Apostles and brethren at Jerusalem.

A.D. 34.
[u] Acts viii. 14—17.
A.D. 41.
[v] Acts xi. 18.
[w] Acts xi. 5—17.

VI. Synod of Jerusalem. At the end of the period above mentioned we have at all events a direct proof that it was the practice of the early Church for her ordained teachers to take common counsel, and that formally, in matters of doubt. About A.D. 50 a discussion arose on the subject of circumcision. It was doubted whether or not the Gentile converts should undergo that rite upon their admission into the Church: Cerinthus (as it is generally believed) being among those who maintained its necessity. Hence arose "no small dissension[x] and disputation" at Antioch, where S. Paul and S. Barnabas then abode[y]. It was determined, in consequence of these circumstances, that they "should[z] go up to Jerusalem unto the Apostles and elders about this question." And so deep an interest in the matter did the members of the Church in Antioch shew, that they accompanied[a] S. Paul and S. Barnabas for some way upon their journey. On their arrival they were received by the whole Church[b] of Jerusalem: and a formal council was convened, in which "the Apostles and elders came together to consider[c] of this matter," under the presidency of S. James the Less the bishop of that see. He pronounced[d] the decision

A.D. 50 circ.
[x] Acts xv. 2.
[y] Acts xiv. 28.
[z] Acts xv. 2.
[a] Acts xv. 3.
[b] Acts xv. 4.
[c] Acts xv. 6.
[d] Acts xv. 13—21. See also Landon's Manual of Councils, p. 271.

of this synod, which charged the members of the Church to abstain from meats which had been offered to idols, from blood and things strangled, and from fornication. And these synodical decrees were forwarded to Antioch in the name of the Apostles, elders, and of the whole Church[e].

A.D. 50 circ.

[e] Acts xv. 22, 23.

VII. English provincial synods or convocations constituted after the example of the Synod of Jerusalem.

Now there are three points connected with this Synod of Jerusalem, which, as it must be considered a fitting precedent for other ecclesiastical synods, are very important to our present purpose.

1. In the first place, the elders were here admitted into deliberation with the Apostles, for we are plainly told that SS. Paul and Barnabas "went up to the Apostles and *elders*[f] about this question," and also that "the Apostles and *elders* came together to consider[g] of the matter." Thus we see that the duty of taking common counsel was no longer confined to the Apostles. Those who had been ordained to the second order of the ministry, and to whom the power of the keys had been imparted, were now admitted into that body which was authorized to deliberate and decide on matters of faith, discipline, and ceremonial usage. This is no unimportant point: it especially affects, as will be seen in pursuing this subject, that branch of the Church which is planted in England. In our provincial synods, now called convocations, very extensive powers attach to presbyters. In the decision of matters connected with doctrine, discipline, and ceremonial, our bishops have no authority, according to the constitution of the Church of England, to make even the slightest change in any written formulary without the consent of the second order of the clergy; and in support of this principle of admitting the presbyters to council, it is manifest that we may appeal to the practice which prevailed at the Synod of Jerusalem.

[f] Acts xv. 2.

[g] Acts xv. 6.

2. The second point connected with this synod, and material to our present inquiry, is, that S. James the Less bishop of Jerusalem was president. In this fact we see a precedent for the rule that the presidency in council should belong to that person within whose ecclesiastical jurisdiction the council is held. And in this particular again, the sacred synods of this nation have followed the apostolic pattern.

A.D. 50 circ.

3. There is a third point to be noted as connected with the Synod of Jerusalem, in which the English Church (at least while her synodical action remained unimpeded) has followed that apostolical model; and to this point present circumstances seem to require that special attention should be drawn. In the Synod of Jerusalem, so far as the Scripture narrative informs us, while presbyters constituted [h] an authoritative part of it as well as the Apostles themselves, yet to those two orders in the ministry the power of deciding on the matter in question was restrained [i]; and this we gather from the sacred text. It was to the Apostles [j] and elders, and to them *only*, that SS. Paul and Barnabas were sent about the matter in dispute. They were the Apostles and elders, and they *only* (and not any other members of the Church, at least so far as Scripture informs us), who "came [k] together for to consider of this matter." With the Apostles and elders, and with them *only*, there appears to have resided authority to conclude the question in debate; such decision thus pertaining to the ordained teachers in Christ's Church, and being restrained within the power of the keys. And still farther, the decision now ratified is afterwards mentioned in Holy Writ as having been determined on by the Apostles and elders *only*. The judgment is manifestly limited to them; for when S. Paul proceeded on his second journey, together with Silas, as they passed through the cities "they delivered them the decrees [l] for to keep, that were ordained of the *Apostles and elders* which were at Jerusalem [3]."

[h] Brett on Ch. Gov. p. 325.

[i] Ib. pp. 342, 343.

[j] Acts xv. 2.

[k] Acts xv. 6.

[l] Acts xvi. 4.

It is fully admitted that the lay brethren [m] were present, and that the synodical epistle [n] is inscribed in the name of the "brethren," as well as of the "Apostles and elders." But this falls far short of proof that the lay brethren had any authority to decide on the matter which had been brought under the consideration of the Apostles and elders. "When [o] the Apostles and elders had agreed upon the matter, then they drew up their synodical epistle, and put the brethren into the inscription of it; not that their consent was any ways necessary to give strength to the decree, but to satisfy the

[m] Acts xv. 12.

[n] Acts xv. 23.

[o] Brett on Ch. Gov. p. 343.

[3] τὰ δόγματα τὰ κεκριμένα ὑπὸ τῶν Ἀποστόλων καὶ τῶν πρεσβυτέρων τῶν ἐν Ἱερουσαλήμ.—Acts xvi. 4. Here the κρίσις is manifestly limited to the Apostles and elders.

Church of Antioch that this was no private determination, but a matter that had been openly discussed and fully debated in a public assembly." To give a decisive voice in a matter of controversy, and to give force by subscription to what has been previously decided on, are two different functions. "To be present[p] at synods is one thing; to deliberate and determine in synod is another thing;" and though the brethren are named in the inscription of the epistle, yet so far as appears from the sacred narrative, the brethren were present in the council only to hear and be satisfied; while on the other hand the presbyters discussed the matter with the Apostles, and gave their consent to the final decision. And this synod we may justly believe was held as a model for subsequent[q] Church assemblies, an example that our bishops and clergy of the second order should meet and determine matters in like manner, but meanwhile giving "the people[r] all reasonable satisfaction," and obtaining, if it may so be, their formal sanction.

A. D. 50 circ.

[p] Bp. Bilson, Perpet. Gov. of Christ's Ch. p. 389.

[q] See Bp. Bilson, Perpet. Gov. of Christ's Ch. pp. 373, 374.

[r] Brett on Ch. Gov. p. 345.

VIII. None but bishops and presbyters admissible to give a "votum decisivum" in synods, in accordance with the example of the Synod of Jerusalem.

The power of deciding in the Synod of Jerusalem was then, so far as appears from the sacred narrative, restrained to the Apostles and presbyters, and that precedent has been carefully observed in subsequent ages of the Church's history. Speaking of synods the great schoolman, Field, says: "For[s] some are there with authority to teach, define, prescribe, and to direct: others are there to hear, set forward, and consent unto that which is there to be done. In the former sort none but only ministers of the word and sacraments are present in councils, *and they only have defining and deciding voices:* but in the latter sort laymen also may be present." And again that learned author says: "We all teach[t] that laymen have no voice decisive, which may be confirmed by many reasons." Three of those reasons are then specified. The *first* is drawn from the nature of the spiritual relationship between a pastor and his flock. The *second* is derived from the apostolic dissertation on the gifts which He "who ascended[u] up on high gave[v] unto men"—"He[w] gave some Apostles, and some prophets, and some evangelists, and some pastors and teachers." With these words are also connected the declaration of the Prophet

[s] Of the Church, Bk. v. p. 645, and see the whole chap. ix.

[t] Of the Church, Bk. v. p. 646.

[u] Eph. iv. 8.

[v] Ibid.

[w] Eph. iv. 11—13.

A.D. 50 circ.

Jeremiah: "I will[x] give you pastors according to mine heart, which shall feed you with knowledge and understanding." The *third* reason given is based upon historical precedent. "Because," as our author says, "in all councils bishops and pastors only are found to have subscribed the decrees made in them, as defining and decreeing, howsoever other men testified their consent by subscription; and princes and emperors by their royal authority[y] confirmed the same."

[x] Jer. iii. 15.

[y] Field, Of the Church, Bk. v. p. 646.

Again, the learned Barrow, who never committed himself to assertions which cannot bear the test of the strictest scrutiny, tells us that "the power[z] of managing ecclesiastical matters did, according to primitive usage, wholly reside in spiritual guides."

[z] Sermons, 57, vol. iii. p. 311. Oxford, 1830.

To this principle we find instances of emperors giving their unqualified assent in the earlier ages of the Church. A few examples will here suffice. At the Council of Nice the Emperor Constantine declared, "that[a] he himself desired to appear in the council simply as one of the faithful, and that he freely left to the bishops the sole authority to settle the question of faith." That monarch[4] indeed clearly distinguished the spiritual from the civil power; and his conduct on this occasion seems to have accorded well with such distinction. Again, the answer of Valentinian the elder was to the same effect when the Catholic bishops desired that a synod should be called for the condemnation of Arianism. He said that "being one of the laity, he[b] might not meddle in such matters, and thereupon willed that the priests and bishops, to whom the care of such things belongeth, should meet and consult together by themselves where they thought good[5]." Similar to the last is the testimony of Theodosius the Great, who openly professed that "it was unlawful[c] for a layman, however exalted, to interpose in religious affairs[6]." To the same purpose are the words of the Emperor Basilius.

[a] Conc. Nic. See Landon's Man. p. 432.

[b] Hooker, Eccl. Pol. vol. iii. p. 337, cites Soz. l. vi. c. 7. And see Coll. Eccl. Hist. vol. vi. p. 247.

[c] Coll. Eccl. Hist. vol. vi. p. 247.

[4] "Ipse Constantinus curam Ecclesiæ dividebat in externam et internam. Hanc episcopis et conciliis relinquebat . . . . externam sibi sumebat."—Mosh. Inst. Ecc. Hist. Helms. 1764, p. 141.

[5] "Mihi quidem qui in sorte plebis sum fas non est ista curiosius scrutari, sacerdotes, quibus ista curæ sunt, inter se ipsos quocunque loco voluerint, conveniant."—See Coll. ut sup.

[6] "Illicitum est qui non sit ex ordine sanctorum episcoporum ecclesiasticis se immiscere tractatibus."—See Coll. ut sup.

"Laymen[d]," said he, "must by no means meddle with causes ecclesiastical, nor oppose themselves to the unity of the Church or councils œcumenical[7]."

A.D. 50 circ.

[d] See Bp. Jer. Taylor, vol. vii. p. 210.

Indeed the introduction of lay judges in matters spiritual Bishop Jeremy Taylor designates rightly as an "old[e] heretical trick;" and quotes S. Ambrose[f], who said of such when the Arians would have introduced them into council, "that they might come to hear together with the people, but might not sit in judgment[8]." And it is a trick which it is devoutly to be hoped may never be practised upon the Church of England.

[e] Works, vol. vii. p. 208.

[f] Epist. 32.

But not to multiply individual testimonies, in early times the habit was universal, that questions touching the law divine should be "left[g] to the holy wisdom and spiritual discretion of the master builders and inferior builders in Christ's Church." And it is certain that the introduction of laymen to define in synods is contrary to the unbroken practice of the purer ages of Christianity. It is true indeed that there have been attempts of late years in transatlantic lands to constitute some assemblies for ecclesiastical purposes on a new model, into which laymen have been introduced; but as we do not date the origin of our holy faith from the West, so neither can we be expected to seek thence the pattern for our Church government. "It is[h] a pretty pageant, only that it is against the catholic practice of the Church, against the exigence of Scripture, which bids us require the law at the mouth of our spiritual rulers, against the gravity of such assemblies, for it would force them to be tumultuous; and at the best (the people's voices) are the worst of sanctions, as being issues of popularity; and, to sum up all, is no ways authorized by this first copy of Christian councils."

[g] Bacon's Works, vol. ii. pp. 512, 513. Lond. 1826.

[h] Bp. Jer. Taylor, Works, vol. vii. p. 209.

IX. But laity should unite in giving force to synodical decisions, in accordance with the example of the Synod of Jerusalem.

After the deliberations in the Synod of Jerusalem were concluded, and the sentence given, it then became the province of the Apostles and elders united with "the whole Church[i]" to authorize the publication of the decision, and

[i] Acts xv. 28.

[7] "De vobis autem laicis . . . . nullo modo vobis licet de ecclesiasticis causis sermonem movere," &c.—Bp. Jer. Taylor, ut sup.

[8] "Veniant . . . . audiant cum populo, non ut quisquam judex resideat."—Bp. Jer. Taylor, Episc. Assert. Works, vol. vii. p. 208, quotes S. Ambrose, Ep. 32.

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to give it force among the body of the faithful. For they were the Apostles, elders, and *brethren*[j] who sending greeting enforced as "necessary[k]" the conclusions arrived at by the Apostles and elders *alone* in the Jerusalem Synod. Thus the whole Church of Jerusalem, in other words the Apostles, the elders, and *the brethren*, combined to ratify and give effect to that decision at which the ordained teachers the Apostles and elders *by themselves* had arrived. And this distinction between the functions of clergy and laity in synods was carefully observed in subsequent ages of the Church, as may be gathered from the fact that we find bishops and presbyters thus subscribing to their acts, "Ego[l] N. definiens subscripsi," "I have subscribed as defining;" while the emperor or lay persons subscribed after this form, "Ego N. consentiens subscripsi," "I have subscribed as agreeing."

j Acts xv. 23.

k Acts xv. 23.

l Field, Of the Church, p. 646. Ed. 1635.

This principle that the spiritualty should define[m], and that the laity should afterwards add civil sanction, in matters touching the law divine, has always prevailed in our own branch of the Church, save in one or two instances of tyrannical eccentricity. During the Anglo-Saxon period of our history, as we shall have occasion to observe hereafter, assemblies purely ecclesiastical decided upon matters of faith and doctrine, while united assemblies of ecclesiastics and laymen afterwards combined to give those decisions force, and to impose them as law. It was thus that at the Wittena-gemotes, as the best historians tell us, when the law divine came into question, the clergy went aside, and having arrived at their conclusions on the matter, then brought them before the full assembly for the confirmation of the Witan.

m See Preamble 24 Hen. VIII. c. 12.

And further, this principle was strictly adhered to in this country during times more nearly approaching towards our own. Taking for the present the most cursory glance at this important subject, which will have hereafter to be considered very closely in detail, it is certain (with but two exceptions at most, and those very questionable ones) that the books, offices, rituals, articles, and canons which originated, matured, and completed the reformation of religion in this country were discussed and settled in pure ecclesiastical synods, or by committees under their appointment, before such documents were accepted by the civil power and confirmed as the law of the land.

"*The articles*[n] *of* 1536"—"*The Institution of a* [o] *Christian Man*," compiled in 1537—"*The six articles*[p] *of* 1539"—"*The new and expurgated edition*[q] *of the Sarum use*," ordered for general adoption throughout the southern province in 1542 N.S.—"*The necessary Doctrine and Erudition*[r] *of any Christian Man*," published in 1543—"*The English*[rr] *reformed Litany of* 1544"—these all had originally the authority of convocations. "*The administration of the holy communion*[s] *in both kinds*" was synodically established without a dissentient[t] voice in 1547, before so important a change was sanctioned by the civil legislature. "*The first*[u] *reformed Prayer Book*," of King Edward VI.'s reign[v], published in 1549—"*The reformed*[w] *Ordination Service of* 1549," subsequently added to the second reformed Prayer Book—and "*The second reformed Prayer Book*" itself, published[x] in 1552,—had all of them convocational sanction. "*The articles*[y] *of* 1553 N.S."—"*The articles*[z] *of* 1563 N.S."—and "*The*[a] *canons of* 1603-4," were originally discussed and settled in convocations. Finally, "*The Prayer Book*" as it now exists, the treasure of every English Churchman, was revised and definitively settled by the convocations begun in 1661; and having first received the sanction of the clergy[b] of the province of Canterbury, associated with duly appointed proxies[c] from the province of York, subsequently obtained civil ratification by the authority of parliament. Thus, like several of those other documents above mentioned, our present Prayer Book having been first authorized by the convocations, was then confirmed by the imperial[d] legislature; and so became not only binding *in foro conscientiæ* on the faithful, as the work of the Church in her sacred synods, but was made also, by the assistance of secular authority, an integral part of the statute law of the land[g].

Thus in the various changes which have taken place in our own country this simple principle has been generally observed—that the law divine should be treated of in pure

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[n] Conc. Mag. Brit. iii. 817. Strype's Cran. p. 40. & vid. inf. chap. xi. ad an. 1536.
[o] Conc. Mag. Brit. iii. 830. Heylin's Hist. Ref. p. 19. Atterb. Rights, p. 185. & vid. inf. chap. xi. ad an. 1537.
[p] Atterb. Rights, p. 186. & vid. inf. chap. xi. ad an. 1539.
[q] Conc. Mag. Brit. iii. 862. Coll. 5. 106. & vid. inf. chap. xi. ad an. 1542 N. S.
[r] Heylin's Hist. Ref. p. 19. Atterb. Rights, p. 188. & vid. inf. chap. xi. ad an. 1543.
[rr] Atterb. Rights, pp. 193, 194. and vid. inf. ch. xi. ad an. 1544.
[s] Conc. Mag. Brit. iv. 16. & vid. inf. chap. xi. ad an. 1547.
[t] 5th & 6th Sessions of Cant. Synod. begun Nov. 5, 1547.
[u] Conc. Mag. Brit. iv. 15. Ibid. iv. 35.
[v] Strype's Mem. vol. ii. pt. i. p. 137.

Coll. Eccl. Hist. vol. v. pp. 342, 343. & vid. inf. chap. xi. ad an. 1549. [w] 35th Art. of 1553 N.S. & 36th Art. of 1563 N.S. Coll. v. 383. Heylin's Ref. p. 83. & vid. inf. chap. xi. ad an. 1549 & 1552. [x] 35th Art. of 1553 N.S. Card. Syn. pp. 15—31. & vid. inf. chap. xi. ad an. 1552 N.S. & 1553 N.S. [y] Card. Syn. pref. vol. i. p. 5. Strype's Cranmer, pp. 272, 273, & vid. inf. chap. xi. ad an. 1553 N.S. [z] Conc. Mag. Brit. iv. 232. & vid. inf. chap. xiii. ad an. 1563 N.S. [a] Conc. Mag. Brit. iv. 380—428. & vid. inf. chap. xiv. ad an. 1604 N.S. [b] Conc. Mag. Brit. iv. 566. & vid. inf. chap. xv. ad an. 1661-2. [c] Conc. Mag. Brit. iv. 568. [d] Act of Uniformity, 13 & 14 Car. II. c. 4.

[g] For detailed proofs of the foregoing statements vid. infra chapters xi., xiii, xiv., xv.

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ecclesiastical synods, and that the conclusions there arrived at should be subsequently ratified by lay authority; and such a course appears to be in accordance with the apostolical model, as exhibited in the Synod of Jerusalem, and with the general tenor of primitive practice.

[e] Church Gov. p. 533.

"There certainly was," says[e] Archbishop Potter, "an ancient custom for such of the people as were willing to have free access to the councils and assemblies of the clergy; but there is no example of their giving definitive voices there. When their consent or advice was asked, it was ever understood to be done in order to unanimity, and not because their concurrence was considered as necessary to give authority to that which was decreed." This distinction between the powers of the clergy and laity in matters spiritual will fully appear in the course of the history of the councils held in this country during the Anglo-Saxon and subsequent periods. That the law divine was always held to belong in the first place exclusively to the spiritualty is most fully asserted in a paper signed by four bishops in King Henry VIII.'s reign, and which may be added here as speaking very plainly to the point: "In[f] all the ancient councils of the Church, in matters of faith and interpretation of Scripture, no man made definitive subscription but bishops and priests, forasmuch as the declaration of the word of God pertaineth to them." And we are surely led to believe that in this respect the early Christians closely imitated the example of the apostolical Synod of Jerusalem.

[f] Burnet's Hist. Ref. vol. i. p. 174.

That assembly should be the type of all subsequent synods, and the model upon which they should be formed. It is, indeed, happy for us that we have such an example for our guidance. For, within eighteen years after the final establishment of the Church of Christ upon earth, we find a formal decision made, in a regularly constituted synod, on matters which had come into dispute respecting discipline and ceremonial observance. Thus early was brought into practice that principle commended by the Lord Himself, when He spoke[g] of agreement upon earth among the members of his Church, thus clearly was laid down a precedent for future ages, which has been followed in each successive generation, where external circumstances have not forbidden the development of the Church's essential elements and the exercise of her inherent rights.

[g] S. Matt. xviii. 19.

Surely we of the English Church may look upon her with filial reverence and devout regard, as we compare the constitution of her convocations with that of the apostolical council—her bishops and presbyters united in sacred synod. And while we mark her faithful imitation, at least in this respect, of the model commended from the city of Jerusalem, we may be bold also to say of this our Zion, "her foundations [h] are upon the holy hills." A.D. 50 circ.

[h] Ps. lxxxvii. 1.

X. Ecclesiastical synods judicial as well as legislative assemblies.

In our provincial synods or convocations there is an important element, which is commended to us by the words and authority of our Lord Himself, as well as by the ancient practice of the Church at large. A convocation, at least according to the English constitution, is not only a legislative body; it is, under certain circumstances and within certain limits, a judicial assembly. The particulars connected with its judicial functions, extending to trials [1] of heretical writings, and embracing appeals in some cases (a very interesting and important subject), will be presented in their proper places; at present an endeavour will only be made to shew that such functions are founded on a divine command, and were attached to ecclesiastical synods in the first ages of the Church.

Our blessed Lord, in the conversation with his Apostles before alluded to, in which He conferred on them powers of binding and loosing [i], also enforced certain directions respecting the decision of a matter of dispute. His words are, "Tell [j] it unto the Church: but if he neglect to hear the Church, let him be unto thee as an heathen man and a publican." It is certain that these words have been relied upon for a purpose very different from that for which they are now adduced. It has been argued [k] that the laity are the Church, and that by these words they are made the judges in Church disputes. But though the laity are a very important part of the Church, indeed for their sakes mainly it was established, yet the word Church does not necessarily include the laity, and particularly in this passage it specially signifies the college of the Apostles. This may be gathered from the fact that these words are part of a continuous conversation, which was addressed peculiarly to them on account of their dispute about precedence [l] in the

[i] S. Matt. xviii. 18.
[j] S. Matt. xviii. 17.
[k] See Johnson's Vad. Mec. vol. ii. pref. p. vii. in opp. to Calamy.
[l] S. Matt. xviii. 1.

[1] Vid. Conc. Mag. Brit. iii. 172. 338. 351, 352. 356, 357.

kingdom of heaven, and in which the Lord took occasion to teach them a lesson of humility by the example[m] of a little child. But to remove all doubt on the subject, and to assure us that this conversation was addressed to the Apostles, and to them alone, S. Mark tells us that on this occasion Jesus "called the *twelve*, and saith[n] unto them." And if the beginning of this discourse was addressed to them, and to them only, there can be no cause for applying the latter portion of it to any other, particularly as the connexion and dependence of the parts are so manifest throughout. Indeed, as the power of binding and loosing was on this occasion conferred, and as that endowment formed a part of this conversation, if we admit that it was addressed to any other than the Apostles, we must allow that power also to have been then assigned to others in addition to them; and this is an argument which few would undertake to maintain.

[m] S. Matt. xviii. 2. & S. Mark ix. 36.

[n] S. Mark ix. 35.

Assuming it then as certain that this conversation was addressed to the Apostles, and to them only, the brother spoken of by the Lord in these words,—"Moreover[o], if thy brother shall trespass against thee,"—must signify one of themselves; and this expression has, of course, immediate reference to the dispute[p] in which they had been engaged about precedence, and for which the Lord was rebuking them, both by setting before them a little child as an example of humility, and by the whole tenor of his address. On this occasion for such differences as might arise among them, as being men of like passions with others, the Lord provides this remedy[q],—that after a double admonition they should tell it to the Church or synod, that is, to the whole college of the Apostles, or as many of them as could assemble on such an occasion. Indeed, if we should extend the meaning of the word "Church" so as to embrace more than the Apostles themselves in this particular passage, we should infer that the people were, according to the Lord's command, to arbitrate upon differences between the Apostles, than which nothing can be more unlikely. The Apostles were to direct and teach the people; but that they in turn were to sit in judgment on the Apostles of Christ is scarcely credible.

[o] S. Matt. xviii 15.

[p] S. Matt. xviii. 1. S. Mark ix. 33. S. Luke ix. 46.

[q] Johnson's Vad. Mec. pref. vol. ii. p. 8.

In accordance with the foregoing direction of our Lord, the whole practice of the Church in the primitive ages shews that

this duty of judicial decision, at least on matters connected with the faith, belonged to ecclesiastical synods; and that excommunication—a man's being considered "as an heathen man[r] and a publican"—followed upon judgment against such as would not conform.

[r] S. Matt. xviii. 17.

In the accounts of the early councils we find such judicial decision to be as constant a part of their duty as the interpretation of Scripture, or as the formation and ratification of canons for enforcing discipline. The condemnation[s] of Arius at Nice, A. D. 325; of the Apollinarians[t] and Macedonians at Constantinople, A. D. 381; the deposition of Nestorius[u], which followed upon the Council of Ephesus, A. D. 431; the condemnation and excommunication of Eutyches[v] at Chalcedon. A. D. 451, as well as the deposition and banishment of Dioscorus[w]; the condemnation at Constantinople[x] of the Three Chapters, those heretical productions of Theodorus of Mopsuestia, Theodoret of Cyrus, and Ibas of Edessa, A. D. 553; and, lastly, the condemdemnation[y] unanimously confirmed at Constantinople, A. D. 680, of the Monothelites [naming Theodorus of Pharan, Sergius, Pyrrus, Paul and Peter of Constantinople, Honorius (formerly Pope of Rome), Cyrus of Alexandria, Macarius of Antioch, and his disciple Stephen]—these acts of the six œcumenical councils shew plainly how important a part of their duty consisted in deliberating upon the opinions and writings of those who disturbed the faith of the Church, and in giving formal judgments upon such offenders. These were duties plainly commended to ecclesiastical synods by the Lord's command to his Apostles, when, speaking of a brother's trespass[z], He said, "Tell it unto the Church: but[a] if he neglect to hear the Church, let him be unto thee as an heathen man and a publican."

[s] Conc. Nic. Manual Counc. 433.
[t] Conc. Constantinop. Man. Counc. 433.
[u] Conc. Eph. Man. Counc. 235.
[v] Conc. Chalc. Man. Counc. 114.
[w] Conc. Chalc. Man. Counc. 120.
[x] 2 Conc. Constantinop. Man. Counc. 177.
[y] 3 Conc. Constantinop. Man. Counc. 183.

[z] S. Matt. xviii. 15.
[a] S. Matt. xviii. 17.

This right and duty of judicial decision in matters of doctrine having from the beginning belonged to ecclesiastical synods, and having ever been exercised by them, where no external circumstances interfered with their proper functions, has been entailed upon the convocations[2] of the English Church, not

[2] Vid. Conc. Mag. Brit. vol. iii. pp. 172. 338. 351 & pp. seq.

Eight out of twelve judges, together with the Attorney and Solicitor General, gave this opinion, May 4th, 1711. Speaking of jurisdiction in matter of heresy,

only by the laws and usages of our country, but by a divine inheritance. "If," to use the words of a most learned man, "any man or body of men can prove[b] a prescription to any estate or power of half so long a standing, they will think it the greatest injustice for any others to attempt to deprive them of it." An honest mind will be ready to assent to such a proposition. But it may be further added, if this right and this duty belong to the pastors of the Church in their lawful assemblies, not only by prescription and long standing, but by the endowment of our Saviour Himself, then it may prove a crime of somewhat deeper dye than simple injustice, and of some more terrible consequence than a civil injury, if any should endeavour to wrest them away. For it must be borne in mind, that the right of jurisdiction and the duty of authoritative decision in spiritual matters were not only committed to the pastors of the Church by our Lord's words[c] in the passage before quoted, but that they were also involved in the commission to "teach[d] all nations," given from the Galilæan mount; and that only to the faithful exercise of that right and the full discharge of that duty is the Lord's promise annexed, "Lo, I am with you[e] alway, even unto the end of the world."

[b] Johnson's Vad. Mec. vol. ii. p. 5.

[c] S. Matt. xviii. 17, 18.

[d] S. Matt. xxviii. 19.

[e] S. Matt. xxviii. 20.

XI. In the primitive Church, censures ecclesiastical not enforced by punishments temporal.

Thus it became the duty of the early Church to censure those who opposed the faith, and to punish them by deprivation of Church privileges, denying them communion, and forbidding them to enjoy the society of the faithful. We accordingly find not only that the Apostles exercised this power, but that they charged their successors to do the same. Thus Hymenæus and Alexander were "delivered[f] unto Satan" for having made shipwreck of the faith. S. Paul tells the Corinthians that "the weapons[g] of our warfare are not carnal," but still that he had "a readiness[h] to revenge all disobedience" among them; and Titus is ordered to "reject" "a man that[i] is an

[f] 1 Tim. i. 20.

[g] 2 Cor. x. 4.

[h] 2 Cor. x. 6.

[i] Tit. iii. 10.

they say, "We are humbly of opinion that such jurisdiction, as the law now stands, may be exercised in convocation.

"(Signed) T. PARKER, R. TRACEY, R. EYRE,
THO. TREVOR, THO. BURY, ED. NORTHEY,
JOHN POWELL, RO. PRICE, ROB. RAYMOND."
LYTTLETON POWYS,

Card. Synodalia, ii. 762.

heretic after the first and second admonition." Suspension from the blessings of the Church was the penalty attached to spiritual offences by apostolic command; and such was the punishment subsequently inflicted for them in accordance with the sentences of the early ecclesiastical synods.

In the earliest ages of the Church civil punishments could not indeed be inflicted in pursuance of such judicial sentences on offenders[j]. Before civil magistrates became Christians such an exercise of power was neither attempted, nor would it have been permitted. Indeed it would have been inconsistent with true Church authority, which is purely spiritual—an authority based on sanctions and obligations very distinct from those on which temporal jurisdictions are founded. The confusion between spiritual and temporal authority always has and always will work results disastrous to the wellbeing and the purity of the Church. S. Chrysostom's glowing language on this subject is worthy of deep and careful consideration. "Distinct[3] are the limits of the temporal kingdom from those of the priesthood—nobler is the power of the latter. . . . . The king must not be judged of by the gems which stud his apparel, nor by the gold with which he is adorned. His province is to rule earthly things, but the authority of the priesthood reaches to heavenly things: whatsoever ye shall bind on earth shall be bound in heaven. To the king is entrusted earthly things: to me heavenly things." And in another place the same thoughts are enforced in this language: "To the king's[4] authority are entrusted men's bodies, to the priest's their souls. The king remits their debts, the priest their sins. The one compels, the other exhorts. The one rules by force, the other by persuasion. He wields sensible, I wield spiritual, weapons. He wars against barbarians, I against the evil angels; and this is the nobler power."

In every age of the Church[k] thoughtful minds have observed these broad lines of distinction[5]. "Matters spiritual," says Bishop Jeremy Taylor[l], "should not be restrained by punishments corporal." To the same purpose are the words

j Archbp. Potter, Ch. Gov. p. 351.

k See Bacon's Works, vol. ii. pp. 512, 513. Lond. 1826.

l Works, vol. viii. p. 143. Lond. 1839.

[3] Ἄλλοι ὅροι βασιλείας κ. τ. λ.—S. Chrys. Homil. iv. in verba Isaiæ Vidi Dom. p. 757. Paris, 1636.

[4] ὁ βασιλεὺς σώματα ἐμπεπίστευται κ. τ. λ.—Ibid. p. 758. Paris, 1636.

[5] See Collier, Eccl. Hist. vol. ii. pp. 321, 322, & ibid. p. 591.

of Lord Chancellor King[m]: "The Church's arms were spiritual, consisting of admonitions, excommunications, suspensions, and such like, by the wielding of which she governed her members and preserved her own peace and purity. Now this is that which is called discipline, which is absolutely necessary to the unity, peace, and being of the Church. For where there is no law or order, that society cannot possibly subsist, but must sink[n] in its own ruins and confusions."

[m] An Inquiry by an Impartial Hand, p. 109.

[n] See also Archbp. Potter, Ch. Gov. p. 212.

It was in accordance with such principles that the sentences of Church synods were enforced. They banished the offenders from the company of the faithful, denying them a share in holy things, and placing them without the pale of the Church.

Such or rather a like jurisdiction was exercised even by the heathen in banishing impious men from a participation in the rites of their religion, and in forbidding them to enjoy the common benefits of the society of their fellows. This we may gather from the words put into the mouth of the Theban king in reference to an offender against the laws of piety and justice:

> "In[6] common prayer to God, and sacrifice,
> Grant him no share; ablutions disallow;
> With one consent thrust him away."

Upon the foregoing principles were the sentences of Church synods pronounced and enforced. They took effect as was directed by our Lord Himself. The obstinate offender was accounted as "an heathen[o] man and a publican." In the natural and true sense of Christ's command such an one was looked on no longer as a member of the Church, but placed "among infidels and profligates, whose conversation was to be shunned by the faithful."

[o] S. Matt. xviii. 17.

XII. The two main duties of synods.

These then are in fine the two main duties of synods. I. To deliberate and conclude upon the interpretation of Scripture, and upon questions connected with faith and morals, with ritual and discipline. II. To decide definitively, and to give formal judgment upon persons whose opinions and writings affect such questions. These were the duties commended to them by the Lord Himself, by the example of the Synod of Jerusalem,

[6] Μήτ' ἐν θεῶν εὐχαῖσι μήτε θύμασι
Κοινὸν ποιεῖσθαι—μήτε χέρνιβας νέμειν·
Ὠθεῖν δ' ἀπ' οἴκων πάντας.—Soph. Œd. Tyr. 247-9.

and by apostolic precept. These have ever remained the proper duties of Church synods in succeeding ages, and so will they ever remain as long as the Church of Christ shall last as a visible institution on earth.

XIII. The necessity of some authority for solving questions of doubt in matters spiritual.

Our blessed Lord's religion, handed down to us in his Church, respects not only all the imaginable combinations of life's outward circumstances, it respects not only the visible acts and practical conduct of Christian men, but it reaches to the motives whence spring those acts and that conduct. It claims, and rightly so, to control the subtle powers of the intellect, to regulate the passions and affections of the heart, and to direct the determinations of the will. And therefore all the rules necessary for every case which can possibly arise in Christian morals and in Christian practice can never be reduced to one definite and written code. In such case "the world itself[p] could not contain the books that should be written." The world has indeed grown weary of attempting this, even as regards human laws, which only affect the outward relations of men to each other,—their outward acts which are manifest to the eyes of all. The useless statutes in our own code are well-nigh countless—

[p] S. John xxi. 25.

> ". . . . As[7] none can calculate
> The tale of ocean's pebbles . . . ."

The necessary inability of human legislation to provide for all cases which may arise is too plain, and has been observed by men of all ages and countries. It certainly did not escape the observation of the Stagyrite, the wisest perhaps of heathen philosophers. He saw that neither acts of gratitude nor of ingratitude, neither acts of beneficence nor "the withholding more[q] than is meet," came within the scope of written legislation, either for reward or for punishment. He perceived that there were acts which no law could reach[8]. The deficiency of law is a subject which on more than one occasion engages his attention[r]. Nor was the heathen dramatist ignorant that many of the acts of men were subject only to

[q] Prov. xi. 24.

[r] Rhet. i. 13. 12. Eth. v. 10.

[7] . . . Ὡς μὰν σαφὲς
οὐκ ἂν εἰδείην λέγειν
Ποντιᾶν ψάφων ἀριθμόν.—Pind. Ol. Od. xiii. 64—66.

[8] ἔλλειμμα τοῦ νόμου.

higher sanctions than those which human laws could give. Speaking of some acts, he says,

> " . . . . [9] For such there are high sanctions
> Gendered above: their only parent Heaven:
> Sprung from no mortal lineage . . . ."

To the same fact the historian bears his testimony when he makes the Athenian orator speak in praise of "obedience [1] to those laws . . . which, though *unwritten*, entail public disgrace" upon such as contravene their obligations. The Apostle S. Paul, when exhorting to the exercise of the sweet virtue of unity and brotherly love, plainly tells the Thessalonians, "As touching [2] brotherly love, ye need not that *I write* unto you, for ye yourselves are taught of God to love one another." It is a virtue embracing within itself particulars which cannot be defined in any written code,—obligations of divine origin, and co-extensive with the condition and existence of mankind. How touchingly the heathen girl weeping over her brother's death speaks to a heartless tyrant of this same virtue of brotherly love, as commended by divine *unwritten* laws of eternal obligation:

> " [3] I never thought that thy commands prevailed
> So far, that thou, a man, could'st overstep
> The laws divine, *unwritten*, always fixt;
> Born not from yesterday they ever live,
> Nor can we mortals tell from whence they sprang."

Indeed it has been plain to men of every age that there is much connected even with human action which no written laws can reach.

And if there is much connected with the outward acts, how much more is there connected with the inward motives exciting to those acts,—with difficult questions of conscience, nice balancings of right and wrong, which no previously written code can ever meet, no previously defined regulations ever embrace. Yet in such questions Christians of the same national Church must in their corporate capacity from time to time find themselves involved. And as they are members of one Church,

[9] . . . ὧν νόμοι πρόκεινται, κ. τ. λ.—Œd. Tyr. 884 et seq.

[1] ἀκροάσει τῶν νόμων κ. τ. λ.—Thucyd. lib. ii. c. 37.

[2] περὶ δὲ τῆς φιλαδελφίας οὐ χρείαν ἔχετε γράφειν ὑμῖν· αὐτοὶ γὰρ ὑμεῖς θεοδίδακτοί ἐστε εἰς τὸ ἀγαπᾶν ἀλλήλους.—1 Thess. iv. 9.

[3] οὐδὲ σθένειν τοσοῦτον ᾠόμην τὰ σά, κ. τ. λ.—Soph. Ant. 453 et seq.

bound together by some internal unity of motives, as well as by some external unity of conduct, so that Church in her corporate capacity must sometimes confront such doubts and difficulties, as the fresh combinations of this world's circumstance, and as new contingencies entail. And further, she must be prepared, not only to point out to her members some definite course of duty amid those difficulties, but to fortify the grounds of that duty by the suggestion of such motives and principles as are consistent with Christian obligations and with the Christian profession. To meet such cases each branch of the Church, while allowed to exercise its proper rights and perform its inherent duties, retains within itself an authority which may rightly be appealed to, and whence direction may justly be supplied. "I doubt not[s]," says Bishop Jeremy Taylor, "but our blessed Saviour intended that the assemblies of the Church should be judges of the controversies, and guides of our persuasions in matters of difficulty." To a meek mind it must ever be a great comfort to have such guidance: to make use of it is not only a duty, but a privilege.

[s] Lib. of Prophesying, vol. viii. p. 29. Oxford, 1839.

XIV. That authority resides in Church synods.

For the resolution of such questions as have been alluded to, the voice of the Church can be heard only through her synods. "Whether it be[t]," says Hooker, "for the finding out of any thing whereunto divine law bindeth us, but yet in such sort that men are not thereof on all sides resolved; or for the setting down of some uniform judgment to stand touching such things as being neither way matters of necessity are notwithstanding offensive and scandalous when there is open opposition about them; be it for the ending of strifes, touching matters of Christian belief, wherein the one part may seem to have probable cause of dissenting from the other; or be it concerning matters of polity, order, and regiment of the Church, I nothing doubt but that Christian men should much better frame themselves to those heavenly precepts which our Lord and Saviour with so great instancy gave, as concerning peace and unity, if we did all concur in desire to have the use of ancient councils again renewed."

[t] Eccl. Pol. vol. iii. pp. 255, 256.

It should always be borne in mind that the Christian religion, as influencing conduct, consists not merely in obedience to God's written word, and to such commands as the Church

has gathered out of it, but that it has respect to the motives of our obedience, to inward principles entwined about the hearts and consciences of men—to those promised gifts hidden secretly in the mysterious depths of the human mind, which, if improved, are to "guide[u] into all truth." Moreover, these principles have often to be applied under new circumstances, amid the infinite variations of this ever changeful world. And so as time goes on, as fresh combinations arise, there must always be in the Christian Church, when in healthy action, the means of providing for such changes. There must, in short, be the means of applying the principles of the Gospel to the circumstances of mankind. The alterations of the framework of society, the changes of this unsteady world heaving inwardly, and bringing new elements to the surface, effect such new combinations of outward circumstance as must of necessity require such a composing influence. The duties of a Christian man, in a heathen or in a Christian land, under the government of a legitimate monarch or of an usurper, may be absolutely contradictory. It is not that the principles of Christ's religion vary; they are as immutable as his eternal truth; but the outward circumstance of our life varies in such sort that, when the two come into contact, a fresh combination takes place, and a different result ensues.

[u] S. John xvi. 13.

It cannot be too clearly stated or too carefully remembered, that such variations in our obligations of duty must not be considered as evincing any change in the principles of the Gospel, but only as consequent upon a fresh application of those principles to the altered circumstances under which the Church and her children may be placed. The application of these principles, and the formal declaration of our duties arising from them, as regards at least matters connected with ritual, ceremonial worship, ecclesiastical discipline, as well as with some questions of morals, belong to that branch of Christ's Church of which we are members; and so in the various branches of the visible Church downwards from the apostolic age, in respect of the subjects above specified, united counsel has been taken in synods for the solution of such doubtful questions as have from time to time arisen, and for the adjustment of such debatable matters as in successive ages have needed settlement. As a matter of history it is a fact that

the Church, even as regards apostolic usages[v], has exercised such authority with universal approbation. None are now dissatisfied with the disuse of the kiss of charity, and of the order of deaconesses. And if it is admitted by consent that the Church in such things may lay aside apostolic usage, it surely may lay down new rules in matters of doubtful obligation: for it is a higher stretch of authority to omit what was established by the Apostles, than to impose rules in such things as were by them left undetermined. "I for my part do confess," says Lord Bacon, "that[w] in revolving the Scriptures I could never find any such thing, but that God had left the like liberty to the Church government as He had done to the civil government, to be varied according to time, place, and accidents. . . . So likewise in Church matters, the substance of doctrine is immutable, and so are the general rules of government; but for rites and ceremonies, and the particular hierarchies, policies, and discipline of the Churches, they be left at large."

[v] See Archbp. Potter, Ch. Gov. p. 329.

[w] Bacon's Works, vol. ii. p. 512. Lond. 1826.

Our rites in the English Church, our liturgy, our ceremonial, our discipline (at least such as remains of it[4]), are present proofs in our own case that such principles have here prevailed. We now possess and enjoy that which has been provided from time to time by the united counsel of "the sacred[x] synod of this nation." And this statement will, it is hoped, be satisfactorily proved as the subject is proceeded with, and as the facts are in turn recorded which illustrate its truth.

[x] Can. 139.

XV. Faith and discipline not the result of private judgment.

Whatever arguments may be urged to the contrary, it can never be shewn that the faith, much less the discipline, of a Church, can be derived from any other quarter than that above alluded to; or that the common faith of her individual members can be the result of private judgment. In their true[5] sense we may apply S. Peter's words, "Knowing this first[y], that no prophecy of the Scripture is of any private interpretation." An individual may exercise his private judgment as to whether he will belong to a Church or not; that is in his own power. He may

[y] 2 Pet. i. 20.

[4] Vid. Commination Service of the Church of England.

[5] I say their true sense, because Hammond, Whitby, and others have strained this passage. τοῦτο πρῶτον γινώσκοντες, ὅτι πᾶσα προφητεία γραφῆς, ἰδίας ἐπιλύσεως οὐ γίνεται.—2 Pet. i. 20. For its just meaning see Schleus. Lex. in loco.

leave that branch of the Church into which he was baptized: in that he may exercise his private judgment, as, alas! too many do. He may wander to another fold and to other pastures than those to which he was committed by God, and in which he has been nourished up. But the faith of the Church which he leaves, as of that corporate body (if it be such) to which he betakes himself, is undisturbed by any eccentricities of his belief or changes of his opinions. His exercise of private judgment is wholly confined within the limited sphere of his own belief. But the very notion of a Church is that of a BODY of men united in the same faith, approving the same discipline, and accepting at least, if not carrying out, the same rules of conduct. It is impossible to conceive the idea of a Church where each man is a law to himself. It is a contradiction in terms, and in the very nature of things. If we suppose the existence of a Church at all, individuals must be united in some common belief and some commonly admitted rules of conduct; and though it is a question of degree how far they may be permitted to differ, and yet be allowed to constitute one Church, still that there must be some community in faith and worship and discipline is a self-evident proposition. An entire unity in the true faith, a universal acceptance among its members of one uniform rule of discipline, and of one code of morals, would evidently constitute the perfection of a Church; while every grade of difference among them is a mark of imperfection, every breach of unity a fresh step towards disruption and annihilation—"dissensio quippe vos et divisio," as says S. Austin, "facit hæreticos, pax vero et unitas facit catholicos[z]."

[z] S. Aug. contra Lit. Petil. lib. ii. c. 95, tom. ix. p. 194. Antwerp, 1700.

If every man were to frame his own faith, it is hard to think that any two men would believe alike. The most strenuous advocate for private judgment, as may be presumed in all fairness from his own principles, should be the last person to claim that he should define the terms of faith for others besides himself. His individual belief he cannot, according to the just application of his own arguments, insist upon as the rule for other men[6]. It is, in fine, an evident truth that if there is to be a common faith at all, we must look beyond

[6] "No man can take cognizance and judge the decrees of a council *pro autoritate publicâ*."—Bp. J. Taylor, Works, vol. viii. p. 32. Oxford, 1839.

individuals for its definition. If there is to be a visible Church at all—(and Christ has so willed it)—that is, a body of men united in any appreciable degree of one common faith, bound together in any outward manner by common discipline, accepting to any extent one common form of worship; and if the two latter elements at least of their common consent may vary with the variable circumstances of time and place and worldly change, then it follows of necessity that there must reside somewhere a commonly admitted power for the regulation of such variations. Some voice must speak to direct; some hand must point to guide; and such has been universally the case, where no external force has prevailed, in the various branches of the Church of Christ, from the Synod of Jerusalem down to the present hour.

XVI. Summary. From the foregoing observations it may be inferred, that as a Church is a union of individuals agreeing necessarily to some extent in faith, worship, and discipline, which under the changes of our human condition may require to be exercised under new circumstances or applied under altered conditions, so there must always be, for the proper guidance and perfect development of such a corporate body, some means of taking common counsel after the example of the apostolic model. There must be some source whence common strength may be given; some head whence common motion and action may be supplied, and which may impart life to the whole body and direction to the several members. There must be some voice which can speak with authority. It cannot be overlooked by any considerate mind, that as outward circumstances vary and as changes pass on all earthly institutions, many dilapidations[a] in the spiritual fabric have to be repaired, many rites of ceremonial worship have to be freshly defined, many rules of discipline to be newly laid down, much matter of common instruction to be afforded from time to time, in order to secure harmony in worship, agreement in outward forms, unity in outward behaviour and conduct among the many members who compose one Church. And this is evident if we contemplate, not such things as are of necessary and eternal obligation, but such things as being in themselves indifferent[b], may become obligatory by reason of circumstances. "Whatsoever," says

[a] Bacon's Works, vol. ii. p. 510.

[b] See Archbp. Potter, Ch. Gov. p. 324.

F. Mason, "God[c] hath in his word precisely commanded, so far as it is commanded, is necessary to be done; for the not doing of it is a sin. Whatsoever God hath forbidden, so long as it is forbidden, is necessary to be left undone; for the very doing of it is a sin. Whatsoever is neither commanded nor forbidden, that, whether it concern Church or commonwealth, is left to the Lord's vicegerents upon earth; who, according to the exigence of the state, may by their direction command it to be done or left undone, and both without sin." For the sake of example, the words of the same author in another place may be quoted as most apt to this argument: "That[d] there shall be ministers in the Church of Christ is a thing necessary; but whether they shall execute their public function in a white garment or a black God hath neither commanded nor forbidden. It is a thing indifferent in itself. To baptize is the perpetual commandment of Christ, but whether the water should be applied by dipping, or by sprinkling, once, or thrice, God has neither commanded nor forbidden. It is in itself a thing indifferent." But though these things are in themselves indifferent, they may severally become binding upon us by reason of circumstances. From some things in themselves indifferent it may be our clear duty to abstain, if they are forbidden to us by a competent authority; and likewise other things indifferent in themselves it may be our equally clear duty to practise, because by a like authority they have been required, even as children in many things in themselves indifferent cannot refuse to obey their parents without being guilty of grievous sin. As regards things of eternal and invariable obligation, they are written in the Book of Life; "Holy Scripture[e] contains all things" in themselves "necessary to salvation." There is registered what is in itself necessary for a Christian man to believe, to do, or to leave undone, that he may please God here and inherit glory hereafter: but "things indifferent[f], being of a variable nature, are referred to the direction of the Church, as may appear from the words of Holy Writ, 'Let all things be done[g] decently and in order:' wherein the Spirit, speaking to the Church, willeth all things to be done after a good manner; not defining what manner, but referring all to her discretion, so all things be ordered in an honest and decent manner."

[c] Auth. of Ch. in making Canons concerning Things Indifferent, p. 4. Lond. 1607.

[d] Ibid. pp. 7, 8.

[e] Art. VI.

[f] F. Mason, Auth. of Ch. &c.

[g] 1 Cor. xiv. 40.

It must not be forgotten, as connected with the subject of the authority of the Church, that in matters of faith all the eccentricities of the human mind have to be dealt with. Still, if the theory of a Church uniting men in a common faith is admitted at all, those eccentricities must be confined within some circle of doctrine. There must be some limits, which may not be transgressed.

"—— sunt certi denique fines gg."

gg Hor. Sat. i. 1. 106.

There is no need of inquiring here how ample or how strait those bounds should be; but some limit must somewhere be placed, and the circle may not, nay cannot be justly defined by this or by that individual. It must be marked out by that branch of the Church to which the individuals belong; that is, by those who constitute that branch of the "Church[h] by representation."

h Canon 139.

The provincial synods of the English Church are her representatives. Would that their authority were now healthfully exerted to guide and to tranquillize! for where "strife is[i], there is confusion and every evil work." That authority is capable of giving directions powerful to heal many a breach. It might raise its voice in accents which would soothe many a trouble. It might supply arbitration satisfactory for reconciling many a difference; "and the fruit[j] of righteousness is sown in peace of them that make peace." Then, perhaps, the language of S. Ignatius to the Ephesians might find a fuller realization in this land: "The presbytery[7], worthy of all honour and of their heavenly calling, are attached to their bishop even as cords to a lyre; thus blended to express that concord and lovely harmony which is under the guidance and protection of Jesus Christ. Though ye are individuals, yet combine in one chorus, that so joining in voice and heart ye may be united in heavenly sympathies, and become as one in offering the sacrifice of consenting worship to God the Father, and his well-beloved Son our Lord Jesus Christ, who saith, 'Grant to them, holy Father, that as I and thou art one, so they too may be one in us.'"

i Epist. S. James iii. 16.

j Epist. S. James iii. 18.

7 τὸ γὰρ ἀξιονόμαστον πρεσβυτέριον ἄξιον ὂν τοῦ Θεοῦ, κ. τ. λ.—S. Ignat. ad Eph. p. 119. Paris, 1562.

CHAPTER II.

DIOCESAN SYNODS.

THE "CORONA PRESBYTERII."

SUMMARY.

I. Diocesan synods the first ecclesiastical councils after the apostolical age. II. Each bishop with his presbyters constituted an independent authority in the primitive Church. III. Dr. Hammond's opinion against the apostolical appointment of presbyters incorrect. IV. High authority of presbyters in connexion with their bishop. V. Thrones or places of honour assigned to them in synods. VI. English diocesan synods. VII. Ancient form of holding diocesan synods in England. VIII. Their disuse in later times. IX. Diocesan synods not restrained by 25 Hen. VIII. c. 19, and whimsical interpretation of that act by members of the learned profession. X. What clergy members of diocesan synods. XI. The "corona presbyterii."

Παῦε· μὴ ψαύσας τὰ τοῦ θεοῦ στέμματα ῥήξεις χερί.

EURIP. *Ion*, 534.

". . . . Antiquam exquirite matrem."

VIRG. *Æn.* lib. iii. 96.

I. Diocesan synods the first ecclesiastical councils after the apostolical age.

THE earliest ecclesiastical councils held immediately after the apostolical age were what are now termed diocesan synods. That appellation did not, however, then belong to them; the word "diocesan[a]" having been derived at a later period from a term[b] used in the civil division of the Roman empire. As the offices of metropolitans[c], and the divisions of the Church into provinces, were not generally established until the end of the second, or the beginning of the third century, the affairs of each diocese (using the word in its present sense) were commonly managed, in the age immediately succeeding that of the Apostles, independently by the respective bishops with their presbyters in diocesan synods. Their common deliberations

[a] Crakanthorpe, Def. Eccl. Ang. p. 144. Lond. 1625.
[b] διοίκησις.
[c] Archbp. Potter, Ch. Gov. p. 209.

and judgment were subject only to God's word, and to the faith, discipline, and government established by the Apostles, and handed down from them. "The acts and determination[d] of the bishop and his colleagues, agreeable to the analogy of faith and form of government in the Catholic Church, were as valid and obligatory within their own communion as if they had been actually confirmed by all the bishops . . . and the acts of a diocesan synod were within the bounds of that authority full and sufficient ecclesiastical laws."

[d] Kennett's Eccl. Synods, p. 198.

The bounds of diocesan authority embraced divers congregations, though they might be designated under the appellation of one Church; for it is clear when there were several congregations of believers in great and populous[e] cities and in their neighbourhoods, that those several congregations were addressed as *one Church*. Though S. Paul gave this direction to the Corinthians, "Let your women keep[f] silence in the churches," thus assuming plainly the existence of several congregations, yet the dedication of his Epistle is "unto the Church[g] of God which is at Corinth." In like manner the Scriptures speak, not of the Churches, but in the singular number of the Church at[h] Jerusalem, the Church at Antioch, the Church at Cæsarea, the Church at Ephesus, and also of the Church of the Thessalonians, of Laodicea, of Smyrna, of Pergamus, of Thyatira, of Sardis, of Philadelphia, though in some of those places at least it must be supposed that there were several congregations of Christians. From such evidence it may be gathered, although every congregation may in one sense be called a Church, yet that a collection of several congregations may be, and often was, rightly named *one Church*, on account of their common acceptance of one code of ecclesiastical regulations, and of their common subordination to the authority of one chief ruler.

[e] Pearson on the Creed, p. 338. Lond. 1692.

[f] 1 Cor. xiv. 34.

[g] 1 Cor. i. 2.

[h] Pearson on the Creed, p. 338.

And not only were the several congregations in populous cities, where Christians were numerous, often united under one bishop assisted by his associated presbyters, but also congregations in adjacent[i] parts of the country were frequently received under the same care and inspection, and so were accounted as *one Church*. The very word first used to signify a diocese fortifies this statement. Paroichia, or parish, the original term signifying a diocese, means a neigh-

[i] Mosh. Inst. Eccl. Hist. p. 44. Helmst. 1764.

bourhood, or, as the word is rendered by a high authority[j] in such matters, "a holy neighbourhood," "accolarum conventus sacraque vicinia." By that parish or holy neighbourhood were the boundaries defined within which diocesan synods exercised their proper jurisdictions. Nor was it only in the earliest ages of the Church that the term parish was used to signify a diocese. It is to be found employed in this sense so late as in the time of our Saxon king, Edmund, A.D. 943, in the constitutions published in that year by Otho, archbishop of Canterbury. Certain, however, it is, that in the earliest times holy rites and ecclesiastical laws, prescribed within the limits of the respective dioceses for which they were framed, were accounted as binding; and various liturgies[k] were appointed by the diocesans[l] within the like bounds. In our own country the various "uses" of Sarum, York, Hereford, Bangor, as appearing in the old service-books, tend to remind us of the ancient diocesan authority in matters of ritual. And even in our own day we may still trace the remains of those dissimilarities which of old time existed in different dioceses: the musical cadences and the harmonies adapted to the versicles and responses of the English service-books still varying according to ancient usage in the several cathedrals of our land.

II. Each bishop with his presbyters constituted an independent authority in the primitive Church.

For such as would jealously maintain the constitution of the English Church, the proceedings of the early bishops, in taking counsel with their presbyters for the government of their respective dioceses, are matters of most interesting inquiry.

The Apostles, at the first, like angel messengers, went forth carrying the "good tidings[m] of great joy" to all people. S. Thomas[n] preaching in Parthia, S. Andrew in Scythia, S. John in Asia, Simon Zelotes in Britain, S. Paul in many countries, "so eagerly running[o] for the faith that he made the world, as it were, too narrow for him." And when they ordained pastors, and laid down rules for the good government of the first Churches, it was their care to reserve to themselves "a paramount inspection[p] and jurisdiction," a paternal[1] care over them. This authority they claimed on account of their spiritual parentage, because they had begotten them

[j] Scap. Lex. in verb.

[k] Dr. Snape instructed in Convocations, 1718. 12mo. pp. 3—9.

[l] Bingham, bk. xvi. c. 1. 13.

[m] S. Luke ii. 10.

[n] Barrow, Works, vol. vii. p. 103. Oxford, 1830.

[o] Barrow, quoting Bas. Seleuc. or. 2.

[p] Barrow, Works, vol. vii. p. 109.

[1] πατρίκη ἐπιμέλεια.

unto Christ. In these words S. Paul impresses this truth upon the Corinthians: "Though ye[q] have ten thousand instructors in Christ, yet have ye not many fathers, for in Christ Jesus I have begotten you through the Gospel." And this paternal relation will also account for the directions and expostulations addressed to Timothy and to Titus by S. Paul in his Epistles to those Bishops of Ephesus[r] and Crete[s]. But after the Apostles died, each in his appointed time, bishops were generally on an equality[t] in authority. The subordination of some bishops to others in the administration of spiritual affairs arose by degrees, and was established in after times frequently in accordance with the growth or decline of civil authority in the various parts of Christendom. At first[2] each Church, in most instances, being established separately under its own bishop and presbyters, was said to be governed by its own head[u], and to be subject to its own laws[v]; and each bishop then, with the advice of his presbytery the ecclesiastical senate, and with the subsequent concurrence of the laity[w], established such regulations as were deemed suitable for the discipline and wellbeing of that society over which he was appointed.

III. Dr. Hammond's opinion against the apostolical appointment of presbyters incorrect.

The learned Dr. Hammond[x] has, however, maintained an opinion that there is no evidence of presbyters having been established, as a second order in the ministry, by the Apostles, themselves; and resting on the authority of Clemens Romanus, and on some passages in Epiphanius, thinks that there were at first bishops and deacons only under the Apostles, without presbyters. But from S. Paul's directions to Timothy, bishop of Ephesus, as to the manner[y] in which he should treat the elders of that Church, we plainly gather that there were presbyters, and not only deacons, subject at any rate to that bishop; and indeed the existence of presbyters in the apostolical age is sometimes asserted by Epiphanius[z] himself. The probability is, that in the earliest infancy of the Church there might have been in some small

[q] 1 Cor. iv. 15.

[r] Chrys. Hom. xv. in 1 Tim. tom. vi. p. 510. Par. 1633.
[s] Euseb. lib. iii. cap. 4.
[t] Barrow, Works, vol. vii. p. 345. & Treatise on Pope's Suprem. passim sub. init.

[u] αὐτοκέφαλος, ibid.
[v] αὐτόνομος, ibid.
[w] S. Cyprian, ep. 52. 55. 72, 73. 76.

[x] Annot. Acts xi. 30.

[y] 1 Tim. v. 1—17.

[z] Bingham, Antiq. vol. i. p. 252, note.

[2] *i. e.* Each of the larger Churches. In some instances there were at first only presbyters and deacons before ecclesiastical discipline was definitively arranged. "In aliquibus Ecclesiis ab origine fuisse presbyteros nondum constitutis episcopis: in aliquibus episcopos nondum additis presbyteris."—Bingham, i. 253, quoting Pearson's Vindic. Ignat. p. ii. c. 13.

places at first only bishops[a] and deacons, in others only presbyters and deacons, while yet it seems clear that in larger and more populous communities the Apostles established, as at Ephesus, bishops, presbyters, and deacons from the beginning.

[a] S. Clem. ad Cor. i. p. 54. Oxon. 1633.

IV. High authority of presbyters in connexion with their bishop.

For the authority of the presbyters in connexion with their bishop[b], and that they were united with him as "*overseers*" in regulating the faith and discipline of their Church, an argument may be drawn from S. Paul's address to those presbyters of Ephesus to whom reference has just been made. "From Miletus[c] he sent to Ephesus, and called the elders of the Church." And these were his touching words to them on that occasion: "Take heed[d], therefore, unto yourselves and to all the flock over the which the Holy Ghost hath made you '*overseers*[3]' to feed the Church of God which He hath purchased with his own blood." In conformity with these expressions of the Apostle, such honour and respect was paid to the presbyters in the primitive age, that in the government of the Church scarcely any thing was done without their advice and consent. Being considered as an ecclesiastical senate or council[e] to the bishop, as their advice was useful in guiding his deliberations, so their authority availed to give weight to his decisions. From these circumstances[f] they are called by S. Chrysostom[g] "the court or sanhedrim of the presbyters;" by S. Cyprian[h] "the venerable bench of clergy;" by S. Jerome "the Church's senate;" by Origen, and by the author of the Apostolical Constitutions[i], "the bishop's counsellors" and "the council of the Church." And though the bishop[k] was "head and prince of this ecclesiastical senate," yet he did not of his own motion regulate the government and discipline of his Church without their advice, assistance, and consent.

[b] Bingham's Antiq. book ii. ch. 19, sec. 8.

[c] Acts xx. 17.

[d] Acts xx. 28.

[e] Mosh. Inst. Eccl. Hist. p. 107. Helmst. 1764.

[f] Bingham, Antiq. i. 256, quoting authorities following.

[g] Lib. iii. c. 15, de Sacerdot.

[h] Ep. 55.

[i] Lib. ii. c. 28.

[k] Bingham, i. 257.

V. Thrones or places of honour assigned to them in synods.

It was in accordance with the high esteem in which presbyters were held, and with the authority committed to them in the early Church, that places of honour[l] were assigned to them. They were allowed to sit[m] together with their bishop in the

[l] Hammond, Annot. Rev. iv. 4.

[m] Bing. Ant. i. 254.

[3] Of course in this passage the word ἐπισκόπους must be understood in its first intention, as signifying "overseers" and not "bishops."

holiest part of the sacred buildings, a privilege never extended to deacons, much less to other persons. So Zonaras, in treating of the fifty-eighth canon of those called Apostolical, says, "that the seat for the bishop was placed on high, signifying his position, and that he ought to inspect from above the people committed to his charge. The *presbyters* were also appointed to be present, and to sit with the bishop, that they too from that lofty seat might be induced to oversee the people, and to assist the bishop, as being given to him for his fellow-labourers [4]." The seats, moreover, which the presbyters occupied were dignified with the name of "thrones," differing only in this respect from the seat of the bishop, that his was called the high throne, while theirs were called the second thrones. Indeed, so clearly were the presbyters entitled to these thrones when sitting in council, that the expression "those of the second thrones" was used as synonymous with the word "presbyters;" as, for instance, when Constantine summoned Chrestus [n], bishop of Syracuse, to bring with him two presbyters to the Council of Arles, he desired that he should be accompanied by two "of the second throne [5]." In confirmation of this statement, that it was the custom and privilege of presbyters to sit in council with their bishops, Bingham assures us that the expressions "the *joint session* [o] *of the presbyters*" and "*sitting* [p] *in the presbytery*" occur commonly in the acts of almost every council, and in the writings of all ancient authors on these subjects. And still further this fact is confirmed by the language of Gregory Nazianzen in his Vision concerning the Church of Anastasia—"Methought I saw myself [as bishop] sitting on the high throne, and the *presbyters*, that is, the guides of the Christian flock, sitting on both sides by me on lower thrones, and the deacons standing by them [6]."

[n] Bingham's Antiq. book ii. c. 19, sec. 5.

[o] Consessus Presbyterorum. See also King's Primitive Ch. p. 74.

[p] Sedere in presbyterio.

[4] *διὰ τοῦτο τοῖς ἐπισκόποις ἡ ἐν τῷ θυσιαστηρίῳ Καθέδρα ἐφ' ὕψους ἵδρυται· δηλοῦντος τοῦ πράγματος ὅτι δεῖ τὸν ὑπ' αὐτὸν λαὸν ὁρᾶν ἀφ' ὕψους καὶ ἐπισκοπεῖν ἀκριβέστερον· καὶ οἱ πρεσβύτεροι συνίσταναι ἐκεῖ τῷ ἐπισκόπῳ καὶ συνκαθῆσθαι ἐτάχθησαν, ἵνα καὶ οὗτοι διὰ τῆς ἀφ' ὕψους Καθέδρας ἐνάγωνται εἰς τὸ ἐφορᾶν τὸν λαὸν καὶ καταρτίζειν αὐτόν· ὥσπερ σύμπονοι δοθέντες τῷ ἐπισκόπῳ.* —Zonar. in Can. Apost. 58, p. 3. Paris, 1618.

[5] *συζεύξας σεαυτῷ καὶ δύο γέ τινας τῶν ἐκ τοῦ δευτέρου θρόνου.*—Euseb. Eccl. Hist. lib. x. c. 5.

[6] *ἔζεσθαι δοκέεσκον ὑπέρθρονος οὐχ ὑπέροφρυς, κ. τ. λ.*—Greg. Naz. Op. tom. ii. p. 78. Paris, 1630.

VI. English diocesan synods.

This whole subject is one of surpassing interest to us in the English Church, because not only are the models of primitive councils worthy of our imitation, but because in our own country, from the earliest ages down to a comparatively recent date, it has been the practice for our bishops to convene their clergy in diocesan synods. The examples of such councils during the Anglo-Saxon period of our history (as we shall see in pursuing this subject) are both numerous and instructive.

Diocesan synods are represented among us at this day by episcopal[7] visitations; and it is a subject not unworthy of consideration, whether a closer adherence to the primitive model would not render such assemblies of greater practical advantage. If our right reverend fathers in God, the English bishops, should in their wisdom determine to take counsel with the elder and wiser presbyters of their dioceses for the removal of such obstacles as will rise up from time to time, threatening to impede the promotion of the Gospel of Christ, and the growth of true religion and virtue within their respective spheres—if they should be pleased to use the weight of their paternal authority, in connexion with that of their graver presbyters, for the plain assertion of any article of the faith which may have been notoriously impugned—if they should deem it advisable on such occasions to deliberate on, to prepare, and to mature measures for the regulation of the practical details of order and discipline—certain it is that the hands of the less experienced and younger clergy would be strengthened for their work by having the result of such weighty counsels communicated to them. Certain it is that the pious laity of the Church would derive much confirmation to their faith, and much comfort to their minds, from that unity of teaching and of practice which such a course would tend to ensure. Certain it is that all the faithful of the same diocese, whether clergy or laity, thus taught to realize their union in one Christian family under their spiritual father,

[7] That is, so far as our modern visitations are a meeting of the clergy to unite in holy service, and receive their bishop's instructions in the form of a charge; so far as a court is then held, it is probable that such a practice is derived from the Anglo-Saxon Folc-mote, in which the bishop and alderman sat with concurrent jurisdiction.—Kennett, Eccl. Syn. pp. 234 and 221.

would feel themselves more strictly obliged to keep the unity of the Spirit in the bond of peace.

VII. Ancient form of holding diocesan synods in England.

The manner of holding diocesan synods in England during the age preceding the Reformation may be learned from an account[q] of the synod held at Hereford in 1519. That diocese now contains two archdeaconries, those of Hereford and Salop; but it appears that to this synod the clergy of the city of Hereford and those within the jurisdiction of the dean and of the archdeacon of Hereford only were summoned. Within those jurisdictions the summonses were issued to the clergy of "every[r] grade, state, and dignity," that they should appear on Thursday, May 5th, in the chapter-house of the cathedral.

[q] Wake's State, Appendix, pp. 210, 211. See also Conc. Mag. Brit. iii. 681.

[r] Vid. Monit. in loc.

On the appointed day the mass "de Spiritu Sancto" was sung at the high altar in the choir of the cathedral. A general procession then took place through the city, the clergy of the cathedral preceding, and chanting litanies. After returning to the cathedral, and after the usual prayers for the synod had been offered up, the Gospel[s] "Designavit" ("the Lord appointed seventy other also") was read, and the hymn "Veni Creator" was sung. All the clergy, their names having been first called over, proceeded to the chapter-house, where, by the authority and command of Charles, bishop of Hereford, Master William Burghill, treasurer of the cathedral and official of the Consistory Court, published and declared certain constitutions concerning the lives of the clergy and the reformation of their conduct, which had been previously agreed upon in an episcopal synod of the provinces of Canterbury and York then lately held at Westminster. The synod was then prorogued to three o'clock in the afternoon, and it was specially enjoined that none should depart without leave. At the time appointed the members reassembled in the chapter-house, when Master William Burghill read in the vulgar tongue some articles upon the dress of the clergy, and upon the lives and morals of the candidates for ordination. These were recited in English for the better comprehension of those whom they concerned. Some articles then followed touching the prelates, copies of which were delivered by the bishop's command to such as requested to have them. Sentences of contumacy having then been read against such as had not

[s] S. Luke x. 1.

appeared to the citation, the bishop gave his solemn benediction, and by his authority dissolved the synod.

VIII. Their disuse in later times.

The reasons which have caused the disuse of diocesan synods in England are not clear, when we consider that such assemblies are specially commended to us by the practice of the primitive Church, and that their continuance was not only contemplated, but even enjoined by the reformers[t]. It is clear that they were frequently held in the British[u] and Anglo-Saxon Church; and even after the Norman Conquest, and the consequent deluge of aggressive policy on the part of the papal power, the practice of holding diocesan synods was not discontinued. That practice, indeed, must have been very common between the Conquest and the Reformation, considering that, notwithstanding the ages which have elapsed, we have records of their having been held as specified below[s]. In addition to those proofs, it may be added that in the convocation[v] of the province of Canterbury held in the first year of King Henry IV., A.D. 1399, among the "gravamina and reformanda" presented, one of the articles had especial reference to diocesan synods. By the thirteenth of those articles[w] it was required that in their "episcopal," *i.e.* "diocesan synods," "the bishops should order" certain constitutions "to be read and explained in the vulgar tongue." From which we may justly gather that such assemblies were at that time usual.

[t] Ref. Legum. cap. 19—23.

[u] Vid. Spelman. Conc. passim.

[v] Conc. Mag. Brit. iii. 238.

[w] Conc. Mag. Brit. iii. 240.

[s] DIOCESAN SYNODS HELD BETWEEN THE CONQUEST AND THE REFORMATION.

	A.D.	Conc. Mag. Brit.
At Worcester ..	1092 ..	Vol. i. 369
Hereford ..	1137 ..	i. 413
York	1195 ..	i. 501
Durham	1220 ..	i. 572
Worcester ..	1240 ..	i. 665
Rochester ..	1244 ..	i. 685
Norwich	1255 ..	i. 708
Eye	1272 ..	ii. 25
Pomfret	1280 ..	ii. 41-2
Exeter	1287 ..	ii. 129
Chichester ..	1289 ..	ii. 169
Isle of Man .	1291 ..	ii. 175
Chichester ..	1292 ..	ii. 183
Winchester .	1308 ..	ii. 293
Durham	1312 ..	ii. 416
Isle of Man .	1350 ..	iii. 10
At Maidstone ..	1351 ..	Vol. iii. 13
Ely.....	1364 ..	iii. 59
Canterbury .	1368 ..	iii. 74
Canterbury .	1368 ..	iii. 81
Worcester ..	1402 ..	iii. 270
York	1409 ..	iii. 329
York	1453 ..	iii. 564
Canterbury .	1464 ..	iii. 598
Worcester ..	1464 ..	iii. 598
Doncaster ..	1464 ..	iii. 598
Hereford ..	1519 ..	iii. 681 & Wake's App. pp. 210, 211.
Ely.....	1521 ..	Vol. iii. 693
Barnewell ..	1528 ..	iii. 712

Though it would be difficult to investigate, and impossible here to detail all the causes which have combined to render diocesan synods less common since the period of the Reformation, still some of those causes may be recognized in the disorganized state of the Church which prevailed after that event. But yet, though such assemblies have not been common during the later part of our Church's history, we may still find some instances of their having been convened. It is, indeed, probable that they have been held in much greater numbers than can now be pointed out; for as the memorials of our provincial synods are from various causes somewhat scanty, it can be no matter for wonder if the accounts of these humbler assemblies, the diocesan synods, should be even less fully recorded. We may trace, however, the following instances of such assemblies held since the Reformation. Diocesan synods were convened by Bishop Davies, at S. Asaph[x], in 1561; by Bishop Freak, at Norwich[y], in or about 1580; by Bishop Bedel, at Kilmore[z], in 1638; by Bishop Lloyd, at S. Asaph[a], in 1683; by Bishop Philpotts, at Exeter, in 1851.

In addition to these recorded instances of diocesan synods having been held in England since the Reformation, we have contemporaneous testimony that in some dioceses such was the usual practice. In the reign of King James I. Dr. Jackson writes, that "he remembered[b] with joy of heart the synods of the diocese in which he was born;" from which the plain inference is, that those assemblies had been usual in the diocese of Durham during his youth. And upon the authority of Dr. Prideaux[c] we are informed that "diocesan synods were kept up in the diocese of Norwich [till the Rebellion], and all the clergy of the diocese constantly met at them every year, *i.e.* the clergy of Suffolk at Ipswich, and the clergy of Norfolk at Norwich."

The threadbare argument, that ecclesiastical councils have tended rather to division than unity, has been somewhat clamorously raised against the desirableness of convening diocesan synods in accordance with the primitive models. But even if this were the case (which is by no means admitted), an answer well worthy of consideration might be found in the words of that judicious divine, who, for the purpose of encouraging the

[x] Conc. Mag. Brit. iv. 228.
[y] Strype's Ann. vol. xi. pt. ii. p. 382.
[z] Conc. Mag. Brit. iv. 537.
[a] Conc. Mag. Brit. iv. 608.

[b] Dioces. Syn. p. 51. Lond. & Oxford, 1851.

[c] Ibid. p. 54.

revival of ecclesiastical synods in his day[d], thus wrote: "The grievous abuse which hath been of councils should rather cause men to study how so gracious a thing may again be reduced to that first perfection, than in regard of stains and blemishes, sithence growing, be held for ever in extreme disgrace."

[d] Hooker's Eccl. Pol. vol. iii. p. 255. Oxford, 1820.

IX. Diocesan synods not restrained by 25 Hen. VIII. c. 19, and whimsical interpretation of that act by members of the learned profession.

It is certainly a matter of just satisfaction to members of the English Church to know, that the assembling of diocesan synods is not restrained in like manner or degree with the assembling of the clergy in their provincial synods or convocations. By the Submission Act, 25 Hen. VIII. c. 19, the royal writ must precede the assembling of convocations, as also the royal licence must be granted before they may "attempt[e], allege, claim, or put in ure," or "enact[f], promulge, or execute" any canons. But the authority to assemble diocesan synods rests ultimately and absolutely with the respective bishops of each diocese; nor is any one of them in this matter restrained by any law or custom known to the constitution of this country.

[e] 25 Hen. VIII. c. 19, sec. 1.
[f] Ibid.

It is indeed a matter of notoriety, that of late years a restraint has been suggested as existing over our diocesans in this respect; and whimsically enough an endeavour to maintain such a restraint has been founded upon the act[g] just recited. But unfortunately for those who announced such a view, diocesan synods were authorized—nay more, commanded—by a commission appointed under the terms of that act itself; so that in the body of the statute we find a provision, from which a sanction is at least derived for those very synods, which gentlemen learned in the law have gravely stated[h] that the act restrains. It is notorious to all who have given even the most

[g] 25 Hen. VIII. c. 19.

[h] The following is an extract from "an opinion" given by two members of the learned profession in 1851; one a barrister, the other a civilian. To the "opinion," a copy of which now lies before the writer, their names are appended; but it is needless to add them here, as, in connexion with them, sufficient ridicule has been excited by the document in question. "*We are of opinion that a diocesan synod cannot be legally assembled or act without the Queen's writ; and that the 25th Hen. VIII.* (*c.* 19) *extends not merely to the convocation assembled for state purposes, but to every synod, whether provincial or diocesan, and whether assembled for state or merely for ecclesiastical purposes.*"

(Signed) { * * * *
{ * * * *

superficial attention to these matters, that it was enacted as follows by a clause in the above-recited Submission Act: "the king's[h] highness shall have power and authority to nominate and assign at his pleasure . . . two-and-thirty persons of his subjects, whereof sixteen to be of the clergy, and sixteen to be of the temporality of the upper and nether house of the parliament . . . and that the same two-and-thirty by his highness so to be named shall have power and authority to view, search, and examine the (said) canons, constitutions, and ordinances, provincial and synodal, heretofore made," &c. Subsequently, and in conformity with this enactment, in the fifth year of King Edward VI., A.D. 1551, the Archbishop of Canterbury, with seven bishops, eight divines, eight civilians[i], and eight common lawyers, were appointed to revise the ecclesiastical laws. The result of their labours is that well-known book, "*The Reformation of Ecclesiastical Laws, first commenced by the authority of King Henry VIII., and afterwards matured by King Edward VI.*[1]" The latter king's premature death prevented this draft from being incorporated with the statute law of the land. But nevertheless the draft abides sufficiently expressive of the intentions of our reformers, and among them especially of the members of that commission appointed in conformity with the terms of the act in question[j]. In their draft not only are diocesan synods not restrained, but on the other hand they are commanded. By one chapter[k] every bishop is ordered[l] to hold his synod. By another chapter[m] the time is appointed for such synod, viz. once in each year, between the second Sunday in Lent and Palm Sunday, and no clergyman might absent himself without the bishop's leave. By the same chapter rules for the due notices of the synod are laid down. By another chapter[n] the form of holding the diocesan synods is prescribed. At seven o'clock the litany was ordered to be read, after which a sermon[o] was to be preached by the bishop or archdeacon; then the communion was to follow, and afterwards the bishop was to retire with his clergy and deliberate upon such matters as required consideration, the laity being excluded, with the exception of such persons as the bishop requested to remain. By another

[h] 25 Hen. VIII. c. 19, sec. 2.

[i] Strype's Mem. Cranmer, p. 271.

[j] 25 Hen. VIII. c. 19.

[k] Ref. Legum de Ecclesia, c. 19.
[l] Ibid. in loc.
[m] Ibid. c. 20.

[n] Ref. Legum de Ecclesia, c. 21.

[o] Ibid. in loc.

[1] "Reformatio Legum Ecclesiasticarum ex authoritate primum Regis Henrici VIII. inchoata, deinde per Regem Ed. VI. provecta," &c.—In titulo. Lond. 1640.

chapter[p] the subjects are specified which were to be treated of[q] in diocesan synods, such as corruptions of doctrine, ecclesiastical controversies, questions of ritual. By another chapter[r] the regulations[s] concerning the conclusion of diocesan synods are defined. So far then from the practice of convening diocesan synods being restrained by the Submission Act[t], not only are the foregoing sanctions for holding them derived from it, but such assemblies are absolutely commanded, so far forth as the authority of that commission extended, which was appointed in conformity with the provisions of our statute.

But against those gentlemen of the learned profession who have maintained that diocesan synods are restrained by the Submission Act[u], a heavier imputation lies than one of ignorance only, respecting some of the notorious and very important historical consequences of that statute. It cannot be denied that such an "opinion" either betrays a want of skill in interpreting an act of parliament, or else subjects its authors to a just charge of something still more deeply to be deplored. Charity forbids us to impute to them the graver fault, and therefore we must suppose that so surprising an error resulted from want of skill; and yet it displays a want of skill almost incredible, such as we seldom meet with, save when the rights and privileges of the Church and clergy are concerned, and when popular clamour prevails.

To set this matter in its true light, it must be remembered that the Submission Act is a penal statute, and more—a penal statute involving the most terrible consequences. The breach of its provisions is punishable with "imprisonment[v] and fine at the king's will." Now few men, even if their studies do not particularly lie that way, are ignorant of the universal principle of English law, that all penal statutes are to be construed within the strict meaning of the letter of the respective acts—a principle surely not to be relaxed in the case of a statute charged with such terrors as these: and this principle is so notorious that it would be a waste of time to quote at length any authority on the subject[w], or to give instances of the deplorable consequences which must necessarily ensue, if that principle was in any instance or in any degree disregarded. What, then, are the terms of this statute

[p] Ref. Legum de Ecclesia, c. 22.
[q] Ibid. in loc.
[r] Ibid. c. 23.
[s] Ibid. in loc.
[t] 25 Hen. VIII. c. 19.
[u] 25 Hen. VIII. c. 19.
[v] 25 Hen. VIII. c. 19, sec. 1.
[w] See Blackstone's Com. vol. i. p. 88.

which has been relied upon as restraining diocesan synods? "Be[x] it therefore now enacted, according to the submission of the said clergy, that they nor any of them from henceforth shall presume to attempt, allege, claim, or put in ure any constitutions or ordinances, provincial or synodal, or any other canons: nor shall enact, promulge, or execute any such canons, constitutions, or ordinances *provincial*, by whatsoever name or names they may be called *in their convocations* in time coming," &c. On this provision, then, of a highly penal statute, which places certain restraints upon *provincial synods*, called among us convocations, are fastened, in this "opinion," the like restraints on *diocesan synods*, thus extending the terms of the statute to that which it never contemplated, and doing unexampled violence to those common rules which are universally admitted to govern the interpretation of English laws.

[x] 25 Hen. VIII. c. 19, sec. 1.

There is indeed no lack of instances in which the just rights and liberties of the Church and her ministers have been in like manner assailed in sundry periods of her later history. It would seem as though (if all cavillers are to be heeded) the Submission Act was restrained within no bounds, as though the arms of the royal prerogative were so capacious as to embrace every possible function of the ministers of God's word and sacraments in their corporate capacity. Thus not only has the right of bishops to hold their diocesan synods been denied, but a like restraint was at one time suggested, as existing even over episcopal and archidiaconal visitations. To put an end to such assumptions it is a matter of history that it was once considered necessary to have recourse to the counsel of the judges, and to issue in accordance with that counsel a royal[y] proclamation. In the thirteenth year of King Charles I.'s reign, the opinions of the two lords chief justices, the lord chief baron, and the rest of the judges and barons, were had and certified on certain particulars. One of these was, "whether bishops, archdeacons, and other ecclesiastical persons, may or ought to keep any visitation at any time unless they have express commission or patent under the great seal of England to do it?" The learned judges having taken this into serious consideration, "unanimously concurred, and agreed in opinion, and certified under their hands," among other things,

[y] Sparrow's Collections, p. 133.

"that [z] the bishops, archdeacons, and other ecclesiastical persons, may keep their visitations as usually they have done, without commission under the great seal of England so to do." And as an order was made (which it is to be hoped has been complied with) that "the [a] said certificate should be enrolled in all his majesty's courts at Westminster," as well as elsewhere, "for the satisfaction of all men;" there seems a respectable guarantee that this unanimous determination would not be subsequently impugned, and that no attempts would afterwards be made, more especially by any members of the learned profession connected with those courts, to assail the just rights and proper duties of our right reverend fathers in God in the discharge of their episcopal office. There was here some reasonable ground of hope that, to use the words of the royal proclamation issued on the occasion alluded to, such "a public [b] declaration of these the opinions of his (majesty's) reverend and learned judges being agreeable to the judgment and resolutions of former times," would "settle the minds and stop the mouths of all unquiet spirits, that for the future they presume not to censure ecclesiastical ministers in these their just and warrantable proceedings, and hereof his majesty admonisheth all his subjects to take warning, as they shall answer the contrary at their perils." There are however in these days spirits no less unquiet, whose opened mouths and unsettled minds would seem to render it not unreasonable that such an admonition should be repeated.

[z] Sparrow's Collections, p. 133.

[a] Ibid. p. 134.

[b] Ibid. p. 134.

X. What clergy members of diocesan synods.

In the early [c] Church it is not clear what was the settled law by which any particular number of the clergy could claim the privilege of being called as assessors with the bishop in diocesan synods; but we may fairly conclude that the choice of such persons as should enjoy that honour was regulated by the custom of each Church. It seems, however, pretty clear that all the clergy above the rank of deacons were usually constituent members. In the third century Cornelius, bishop of Rome, thus writes: "The whole [d] proceedings having been laid before me, it seemed good that my presbytery should be assembled . . . in order that by weighty advice it might be settled by consent *of all*." S. Cyprian's language [e] in one of his epistles is, "I have done nothing new in your absence, only what had been long since begun by the

[c] Johnson's Vad. Mec. vol. ii. p. 54.

[d] Dioces. Syn., Lond. 1851.

[e] S. Cyprian. epist. 29, ad fin.

common advice of *us all* has on an urgent occasion been completed." The pious and eloquent Borromeo, in his opening address to his eleventh diocesan synod, addresses[f] the assembly as comprising the *whole clergy*; and to come nearer home, to the diocesan synod held at Hereford in 1519, the clergy of every "grade[g], state, and dignity" were summoned. From these instances, taken from different times and countries, and which might be multiplied, it appears that all the presbyters at least ought to be called, in order to render a diocesan synod complete.

[f] Dioc. Syn. p. 66.

[g] Wake's App. pp. 210, 211.

The glowing[h] language of Borromeo, in the address to his clergy assembled in that synod, which has just been alluded to, is well calculated to impress us with a sense of the high and holy functions of such assemblies, and of the blessings which might be expected to ensue if they were convened under the influence of like sentiments with those which animated that holy man. "What do we here, my brethren? We hold a synod, and what doth that name import—a congregation, and an assembly—of whom? Even of the most excellent and eminent in the holy Church, such as her bishops and the members who are joined to him by ties of the closest union. . . But what are these who are here assembled? Alas! my speech faileth me. Who is able to conceive, much less to express, their dignity and their excellent greatness? These are they which season all this people; the fathers of this multitude; the guides and teachers of these souls; spiritual physicians; in this militant condition generals of Christ their Lord; suns to lighten, and salt to give savour[2] to these people. Christ indeed is 'the Sun of righteousness.' Yet of these it may well be said, 'Ye are the light of the world.' Clouds they are, charged and laden with the showers of God's grace, which they shed over all. They are saints dedicated unto God—the very apple of his eye. They are the consecrated property of Christ their Lord. Great indeed is such a congregation as this! But these are not all; for (which is greater still) with them is present the very Son of God Himself, the Lord Jesus, unless we put a bar against Him. For if 'where two or three are gathered together' in his name He hath promised 'to be in the midst of them,' how much rather will He be present in the midst not of two, but of nine hundred and more; when we are not

[h] Dioces. Syn. p. 66.

[2] Soles—sales tantarum gentium.

an indiscriminate mass, but his own priests, united in one in his name? when our affection is one, and we shall breathe but as one; when we shall direct all our aims and intentions to seek his grace and his Holy Spirit? 'If two of you' (they are our Lord's own words) 'shall agree on earth touching any thing which they shall ask the Father in my name, it shall be done for them'—how much rather may not we hope to obtain in proportion to our being more eminently favoured of God, if we agree in one aim, and with one mind promote his honour and his glory, who hath Himself enjoined us to invoke his Holy Spirit in these congregations of our synods?"

XI. The "corona presbyterii."

Such was the address of that holy man, shewing that in his time he held the presbytery in like esteem with that which they had been wont to enjoy in the primitive ages. That esteem harmonizes perfectly with the high honour which has been accorded in a very peculiar manner to the presbyters of our national Church; for not only have they been counted as members of the diocesan synods of England, but of her provincial and national synods too. Of the high position of the presbyters in connexion with their bishop all[i] antiquity speaks. The thrones on which they sat[j] were on either side of the bishop's, in the form of a semicircle about the altar, his being called the middle[k] throne[3] or the middle seat, theirs the second thrones. Hence the presbyters are called by S. Ignatius "the spiritual crown of the[l] presbytery," and by the Apostolical Constitutions "the[m] crown of the Church." United with their bishop they were the "corona presbyterii," "the coronet of the presbytery," the Church's glory and defence.

[i] S. Ignat. ad Ep. ad Magnes. p. 27. Paris, 1562.
[j] See Plan of an Ancient Ch. Bing. Ant. ii. 464.
[k] Theodoret, lib. v. c. 3, tom. iii. p. 703. Par. 1642.
[l] See Hammond on Rev. iv. 4.
[m] Lib. ii. c. 28. Labbe, t. i. 265, c. 6.
[n] Bellarm. de Concil. lib. i. c. 15.

It is, however, matter of history that constant endeavours have been made, and indeed with much success, under Italian influences[n], to deprive presbyters of their right to sit in the larger synods. The captive woman weeping aforetime over the ruins of her native city, is represented as uttering this mournful complaint:

"Reft of thy coronet of towers,
Dark blots of ashes stain those tearful courts
I may no longer tread[4]."

[3] εἰ δὲ ὁ μέσος θῶκος ἔριν γεινῷ, κ. τ. λ.—Theodoret, ut supra.
[4] ἀπὸ δὲ στεφάναν κέκαρσαι, κ.τ.λ.—Eurip. Hec. 898.

May the spiritual fabric of our national Church never be thus despoiled, nor her ancient glories thus defiled in the dust! From this city of the living God may that diadem of defence, "the coronet of her presbytery," never be thus rudely plucked! We will hope better things, notwithstanding the desertion of some once faithful, the rude assaults of open enemies, and the still more dangerous attacks of pretended friends; we will devoutly cherish the expectation that the Church of England, faithful to her early vows, will never, like the betrayed Nazarite, suffer herself secretly to be shorn of her locks of strength; but that the "coronet of her presbytery" will still abide to adorn her brow; and that arising in native strength, she will be yet wakeful to retain in pristine integrity that emblem of primitive lineage, that pledge of faithful obedience, which is to her the symbol[o] of a divine origin, the countersign of "a kingdom[p] not of this world."

[o] S. Luke x. 1.
[p] S. John xviii. 36.

CHAPTER III.

PROVINCIAL SYNODS.

SUMMARY.

I. Provincial synods superseded diocesan. II. Ecclesiastical jurisdiction generally followed the territorial divisions of the civil state—1. Parishes our present dioceses.—2. Provinces: civil provinces of England—ecclesiastical provinces of England.—3. Dioceses originally a union of provinces both civilly and ecclesiastically. III. Metropolitical jurisdiction traced to the apostolical age, and provincial synods traced to the second century. IV. How often provincial synods were convened, and by what authority. V. The metropolitan president, but his power limited. VI. Comprovincial bishops in provincial synods—their rights of precedence—their obligation to attend. VII. Presbyters in provincial synods—their right denied by some of later times—the objectors answered at length. VIII. Form of holding a provincial synod in early times. IX. The subjects treated of in provincial synods. X. The means of enforcing their decrees. XI. Early provincial synods the models of English convocations. XII. Their disuse the cause of lamentable effects.

Τὸ γὰρ ὠφέλιμον τῆς ἡμετέρας ἱστορίας, πρός τε τὸ παρὸν καὶ πρὸς τὸ μέλλον, ἐν τούτῳ πλεῖστον κείσεται τῷ μέρει.—Polyb. *Hist.* iii. 4. 8.

"At paulatim eveniebat, ut omnes Christianorum societates in unâ provinciâ habitantes in unam quodammodo societatem seu civitatem majorem coirent."—Mosh. *Inst. Hist. Eccl.* sæc. ii. p. ii. c. 2, s. 2. Helmst. 1764.

1. Provincial synods superseded diocesan.

The ecclesiastical assemblies next succeeding in point of time to diocesan were provincial synods, for by degrees all the congregations[a] of Christians who dwelt in one province became united in one society. The words of the learned Barrow[b] on this subject are not a little remarkable. "Because," he says, "little disjointed and incoherent bodies were, like dust, apt to be dissipated by every wind of external assault or intestine faction, and peaceable union could hardly be maintained without some ligature . . . it was soon

[a] Mosh. Inst. Hist. Eccl. p. 74. Helmst. 1764.

[b] Treatise on Pope's Sup. p. 347. Oxford, 1830.

found needful that divers Churches should be combined and linked together in some regular form of discipline." Hence the thirty-third, sometimes numbered the thirty-fifth, of those called the Apostolical Canons[c], ordained that "the[1] bishops of every province ought to own him who is chief among them, and esteem him as their head; and to do nothing *extraordinary* without his consent, but every one those things only which concern his own parish [*i.e.* diocese] and the country subject to it." It was certainly most desirable, and most conducive to general uniformity and to the extension and confirmation of Christian unity, as well as to similarity of discipline, that many bishops, with their associated presbyters, should meet and give common consent respecting such matters as pertained to the general regiment of the Church. For, in the words of S. Cyprian, "This[d] is the concern not of a few men, nor of one Church, or of one province, but of the whole world." It was eminently desirable for the good of all, that if any error should creep into one diocese, the joint concurrence of several bishops, fortified by the assent of their graver presbyters, might interpose to check it; and that, in the words of the same father, "If[e] any one of our own society should vent an heresy, and attempt to rend and waste the flock of Christ, the rest might come in to their help." In accordance with such principles, the limits of ecclesiastical jurisdiction began very early, apparently even in the apostolical age, to be enlarged; metropolitans took precedence[2] among bishops, and provincial were established as superior to diocesan synods.

[c] Johnson's Vad. Mec. vol. ii. p. 19.

[d] Ep. 14.

[e] Ep. 76.

II. Ecclesiastical jurisdictions generally followed the territorial divisions of the civil state.

It is clear that in defining the limits of ecclesiastical jurisdictions, it was generally deemed desirable to follow the division of territory established in the civil state. As in each province subject to one political[f] jurisdiction there was a metropolis, to

[f] Barrow on Pope's Sup. vol. vii. p. 348. Oxford, 1830.

[1] *τοὺς ἐπισκόπους ἑκάστου ἔθνους εἰδέναι χρὴ τὸν ἐν αὐτοῖς πρῶτον, καὶ ἡγεῖσθαι αὐτὸν ὡς κεφαλήν· καὶ μηδέν τι πράττειν περιττὸν ἄνευ τῆς ἐκείνου γνώμης· ἐκεῖνα δὲ μόνα πράττειν ἕκαστον, ὅσα τῇ αὐτοῦ παροικίᾳ ἐπιβάλλει καὶ ταῖς ὑπ' αὐτὴν χώραις.*—Can. Apost. 33, alias 35.

[2] *ὧν προὐτέτακτο Θεόφιλος, τῆς ἐν Καισαρείᾳ παροικίας ἐπίσκοπος, κ. τ. λ. τῶν δὲ κατὰ Πόντον ἐπισκόπων, ὧν Πάλμας ὡς ἀρχαιότατος προὐτέτακτο, καὶ τῶν κατὰ Γαλλίαν δὲ παροικιῶν, ἃς Εἰρηναῖος ἐπεσκόπει.*—Euseb. Ecc. Hist. l. v. c. 23.

τῶν δὲ ἐπὶ τῆς Ἀσίας ἐπισκόπων, τὸ πάλαι πρότερον αὐτοῖς παραδοθὲν διαφυλάττειν ἔθος χρῆναι διισχυριζομένων, ἡγεῖτο Πολυκράτης.—Ibid. c. 24.

which resort was made for the dispensation of secular justice and for the dispatch of business, so it was convenient that the determination of ecclesiastical matters should there also take place; especially as such a city was for the most part opportunely situated, and also as many persons for other causes would have reason to meet there. To these reasons another also of much weight may be added—that the Churches in those cities generally exceeded others in numbers, importance, and wealth, and consequently in opportunities for promoting the common cause of religion.

To put this matter in a clearer light, it is desirable in this place to make a brief digression, in order to shew how the ecclesiastical divisions of the Church followed the civil divisions of the empire. And even if, in point of strict chronology, any of the circumstances here detailed may be somewhat forestalled, yet whatever inconvenience may thus arise will be compensated for by the additional light thrown upon the prosecution of this subject. The gradations of ecclesiastical territorial[g] jurisdiction in the fourth century were as follows, viewing them in a descending order: 1. diocese, 2. province, 3. parish [*i.e.* our present diocese]. The chief government in a diocese belonged to the patriarch, exarch, or archbishop[h], three terms used synonymously: in a province[i], to the metropolitan; in a parish [*i.e.* our present diocese], to the bishop[j]. This word "diocese" in that age signified a combination of provinces; the word "province," as it does to this day, a combination of parishes [*i.e.* our dioceses]; and the word "parish" signified what we call a diocese. Thus, while the word "province" was used in the same sense as that which it now bears, the words "diocese" and "parish" were used in a wider sense than that which we now attach to them. And these ecclesiastical divisions were often in exact[k] accordance with the civil divisions[l] of the empire. In this inquiry we will now ascend upwards from the smaller to the larger divisions of the empire.

g Wordsw. Theop. Ang. pp. 107—109. & Barrow, vol. vii. pp. 350—353.
h Bingham, book ii. c. 17.
i Bingham, book ii. c. 16.
j Bingham, book ix. c. 2, sec. 1. & King's Prim. Ch. p. 17.
k Crakanthorpe, Def. Eccl. Ang. p. 144 et seq. Lond. 1625.
l Bingham, book ii. c. 17, sec. 20.
m Bingham, book ix. c. 1, sec. 1.

1. Parishes our present dioceses.

Each city, among the Romans[m] and the Greeks, was under the immediate government of certain magistrates, among whom one was principal and enjoyed a precedence over the rest. They were commonly known under the name of "senatus" or βουλή, the "senate"

or "common council." Their chief was called sometimes "dictator;" sometimes "defensor civitatis," the defender of the state; and his authority, united with that of the inferior magistrates, extended not only over the city itself, but over the προάστεια or suburbs, the smaller villages subject to its jurisdiction. Conformably to these arrangements in the early establishment of the Church, where a civil magistracy existed, there was ordinarily founded also an ecclesiastical one. This consisted of a "senate" or "common council" of presbyters, presided over by one chief among them called προεστὼς, the "apostle," "bishop," or "angel" of that Church. And this jurisdiction, like that of the civil magistracy, was not confined to the city itself, but extended to the adjoining country, the προάστεια or "suburbs," which, with the city, constituted the παροικία, the "parish," that territorial division which we now term diocese.

2. Provinces.

The next civil division of the empire in an ascending order was into "provinces." A province embraced the cities of a whole region, together with their dependencies, all of which were subject to the authority of one chief magistrate, usually a "prætor" or proconsul, who resided in the metropolis or principal city. This division into provinces is referred by some authors to Vespasian; by others it is thought to have been more ancient, and even coëval with the establishment[n] of the Christian Church. The number of these provinces was probably 117, there being about fifty-nine in the East, about fifty-eight in the West. It would be beyond the scope of our present purpose to set them down here in detail, but an account of them may be found, by such as are curious in these matters, in "Bingham's Antiquities of the Christian Church," book ix. c. 1.

[n] Notitia Imperii, quoted by Bingham, book ix. c. 1.

Civil provinces of England.

It will be sufficient here to inquire into the civil provincial divisions of our own country. This island was divided into five[o] civil provinces:—1. "Maxima Cæsariensis," comprising originally the country from the Thames to the northern border, having York as its metropolis. 2. "Flavia Cæsariensis," subsequently divided off from the first province, and comprising the district between the Thames and the Humber, but still having York as its metropolis. 3. "Britannia Prima," comprising the country south of the

[o] But compare Stillingfleet, Orig. Brit. pp. 77, 78.

Thames, and having London as its metropolis. 4. "Britannia Secunda," comprising the country west of the Severn, and having Caerleon-upon-Usk as its metropolis. 5. "Valentia," comprising the country north of the Picts' border, and having, like the first and second provinces, York again as its metropolis.

Conformably, again, with such arrangements throughout the empire, the Church in establishing "provincial," or, what is the same thing, metropolitical power, usually followed the civil territorial divisions. As, according to the regiment of the civil state, there was usually in every metropolis or chief city of a province a "proconsul" or "prætor," a magistrate superior to the chief magistrates of each single city; so generally in the same metropolis a superior bishop was placed by the Church, whose jurisdiction extended over the bishops of the single cities in that province, and who was thence denominated metropolitan or primate.

Ecclesiastical provinces of England.

It appears, however, that in this island there were never more than three *ecclesiastical* provinces; for the short-lived power of the metropolitical see of Lichfield[p], which lasted at most not longer than thirty-three years, viz. from A.D. 765 to 798, need not be here taken into account. Those three ecclesiastical provinces were originally: 1. London, the see being in later times transferred to Canterbury; 2. York; 3. Caerleon-upon-Usk, that see being subsequently transferred to S. David's.

[p] Infra. See chap. vi. sec. 3.

As regards the metropolitical jurisdiction of York, it must be borne in mind that the Northumbrians in early times extended to the Firth of Forth, and that the lowlands of Scotland were subject to the ecclesiastical jurisdiction of the Archbishops of York. But in the more northern parts of Scotland, Church government was not reduced into so settled a state, as it exhibited in England, until a much later period; even the dioceses not having been territorially defined[q], according to Johnson, before the middle of the eleventh century. And though after that event the Bishop of S. Andrew's was esteemed the first bishop, and was, indeed, styled "summus[r] pontifex Scotorum," yet he never enjoyed archiepiscopal authority until after the middle of the fifteenth century, *i.e.* until

[q] Johns. Can. vol. i. p. 303.

[r] Johns. Can. vol. i. p. 303, quotes Ang. Sac. vol. ii. p. 235.

the year 1472, when that distinction was conferred on Patrick Graham[s].

[s] Johns. Can. vol. i. p. 303, Addenda.

And this lack of archiepiscopal authority in Scotland appears to have been considered a matter of grave consequence by the English Church, for by the fifth canon of the provincial Synod of Challock or Chalk, A.D. 816, it was enacted that "none of Scottish orders should be permitted to usurp to himself the sacred ministry in any one's diocese. . . . We refuse to receive the sacred ministrations from other nations, among whom neither rank or honour is given to metropolitans[t]." But though the metropolitical jurisdiction of York did not extend over the north of Scotland, yet it included at one period Zetland and Orkney[u], a suffragan see[v] being planted at Kirkwall about the end of the tenth or beginning of the eleventh century. Indeed, at the battle[vv] of the Standard, A.D. 1138, it was Ralph, bishop of Orkney, who, in the absence of his metropolitan, Thurstan of York, encouraged the soldiers, fighting under a sacred banner, to engage as in a holy war against King David and his Scottish troops at Northallerton.

[t] Conc. Mag. Brit. vol. i. p. 170.

[u] Conc. Mag. Brit. vol. i. p. 362.

[v] Churton's Early Eng Ch. p. 265.

[vv] Ibid. p. 313.

The extent of the metropolitical jurisdiction of Caerleon-upon-Usk, or S. David's (for the terms are used synonymously), as originally settled, seems pretty plainly pointed out by the list[w] of prelates present at the provincial Synod of Augustine's Oak, A.D. 601. And though after that time some of the dioceses there represented became subject to Canterbury, yet it is plain that metropolitical jurisdiction attached to the see of S. David's, through many subsequent centuries, at least over some of the Welsh dioceses. Dunstan, archbishop of Canterbury, indeed, consecrated, about 982, one Gucan as Bishop of Llandaff; and from that time it has been affirmed that all Wales became subject to Canterbury. But this seems to have been an excess of jurisdiction on the part of Dunstan, who was not backward in assaulting some of the ancient rights of the British clergy; for Geraldus Cambrensis, "a Welshman[x] born, and," as Collier says, "an author of character and learning . . . . proves from good[y] records that the Bishops of S. David's consecrated suffragans, and exercised all other branches of metropolitical authority, till the reign of K. Henry I., who, upon subduing

[w] Infra. Vid. chap. v. sec. 19.

[x] Collier, Eccl. Hist. i. 474.

[y] Ibid.

the country, forced the Welsh Churches upon a submission to Canterbury. And this scheme was probably the more easily managed at that time, as Bernard, chaplain[z] to Adelais K. Henry's second queen, upon being raised to the see of S. David's, submitted to the Archbishop of Canterbury; and thus the independence of the western ecclesiastical province came to an end, about A.D. 1115.

[z] Churton's Early Eng. Ch. p. 311.

3. Dioceses originally a union of provinces, both civilly and ecclesiastically.

The next civil division of the empire in an ascending order was into dioceses. A civil diocese embraced a combination of provinces, and was placed under the authority of an officer designated "vicarius[a]" or "eparch," who resided in the capital city of the diocese, and had authority to receive appeals which might be brought from any of the provinces comprised within his jurisdiction. But this division into dioceses, it must be remembered, did not take place until about the time of Constantine, and was consequently of much later date than the division into provinces. Of these dioceses there were eventually thirteen, seven in the eastern and six in the western empire, and of those there were two which contained as many as seventeen[b] provinces each; but the Britannic diocese, with which we are now more peculiarly concerned, contained but five, as detailed in the preceding paragraph.

[a] Bingham, book ix. c. 1, sec. 3.

[b] Bingham, book ix. c. 1, sec. 5.

Conformably once more to this arrangement of the civil powers, it will be found that, at least as early as the fourth century, a territorial division into dioceses, *i.e.* combinations of provinces, had been adopted generally by the Church. And as the state[c] had an "eparch" or "vicarius" in the capital city of each civil diocese, so the Church in progress of time established her "exarchs," "patriarchs[d]," or "archbishops[e]" (for these words were aforetime used synonymously[f]) in many of the capital cities of the empire.

[c] Bingham, book ix. c. 1, sec. 4.

[d] Mosh. Hist. Eccl. Inst. p. 182.

[e] Bingham, book ii. c. 17, sec. 1. & Conc. Chal. act. xvi.

[f] Wordsw. Theoph. Ang. p. 109.

III. Metropolitical jurisdiction traced to the apostolical age, and provincial synods traced to the second century.

Returning now back from this digression, which, though not placed here in strict chronological order, may yet be useful to the present purpose, our inquiry reverts to the consideration of the constitution and functions of the primitive provincial synods. Nor can there be an inquiry of deeper interest to members of the English Church. And for this reason; her legislative synods, the provincial Synods of Eng-

land, known now among us by the name of "convocations," are founded upon those ancient models of the primitive Church. Before the interference of the powers of this world had usurped the functions of that kingdom "which[g] is not of this world,"—before the government of the Church fell into hands which were fettered by political manacles, or, what is worse, were uplifted to forward political intrigues,—before that bane of poor human nature, the tendency to sacrifice what is "just[h], pure, lovely, and of good report," at the feet of temporal aggrandizement, or at the shrine of a miserable expediency, had grown up like a noxious weed within the precincts of the Church herself,—before these "beggarly[i] elements" had disturbed and polluted the pure stream of divine truth, the faith and discipline of the Church were defined in provincial synods, and government by provincial synods is still (with all reverence let us be thankful for it) the normal state of our English Church. In her provincial synods, her convocations, she can only speak authoritatively; no otherwise can her voice be recognized. There she may teach us the lessons of a mother's love—lessons to make us "wise unto salvation." "State[ii] super vias et videte, et interrogate de semitis antiquis, quæ sit via bona, et ambulate in ea."

[g] S. John xviii. 36.

[h] Phil. iv. 8.

[i] Gal. iv. 9.

[ii] Proph. Jer. vi. 16.

That our "convocations" or provincial synods may be traced to their original models, it is necessary to revert to the very earliest ages of the Church. As was before remarked, territorial divisions into provinces under the jurisdiction of metropolitans appear to have been in some instances coëval with the Apostles themselves. But the records[j] of the original of most Churches being lost, it is impossible to define with certainty when this arrangement first generally took place. Certain it is that the Nicene Council, A.D. 325, speaks of the offices of metropolitans as having been settled by ancient custom long before that time; for its sixth canon[k], insisting upon the metropolitical power of the Bishop[l] of Alexandria, commences thus: "Let[4] the ancient customs prevail." In confirmation of this view that the metropolitical power was established in the primitive age, sundry proofs may also be deduced from the earliest writers, some of them tracing it

[j] Bingham, book ii. c. 16, sec. 2, 3.

[k] Conc. Nic. Can. vi.

[l] Bingham, book ii. c. 16, sec. 3.

[4] τὰ ἀρχαῖα ἔθη κρατείτω, τὰ ἐν Αἰγύπτῳ, καὶ Λιβύῃ, καὶ Πενταπόλει, ὥστε τὸν Ἀλεξανδρείας ἐπίσκοπον πάντων τούτων ἔχειν τὴν ἐξουσίαν.—Conc. Nic. can. 6.

back to the times of the Apostles. Titus is said to have been charged with the oversight of the Churches[5] of Crete, and to have superintended the bishops of the whole island[6]; and Timothy again is said to have been entrusted with the charge of the whole of Proconsular Asia[m], in which there were several bishops also.

[m] Chrys. Hom. xv. in 1 Tim. tom. vi. p. 510. Paris, 1633.

In the second century we find very clear traces of metropolitical power, a few instances of which will here suffice. Irenæus, as bishop of Lyons, having succeeded Pothinus in the year 177, superintended the Gallican[7] dioceses. Philip of Gortyna was styled by Dionysius of Corinth "Bishop of all[8] the dioceses of Crete;" and as at that time there was more than one diocesan in that island (whereof we are assured by the fact that a letter was addressed simultaneously to Pinytus, bishop of Gnossus), the inevitable inference is, that Philip was metropolitan. Towards the decline of the second century several plain proofs of this metropolitical authority may be found in one passage of Eusebius's history[n]. Provincial synods were at that time convened to consider the proper time for celebrating the paschal festival. In that of Palestine, assembled on this occasion, Theophilus of Cæsarea presided (Narcissus of Jerusalem indeed being joined with him, as having by primitive custom the next place to his metropolitan); in the provincial Synod of Rome Victor presided; in that of France, Irenæus of Lyons; in that of Proconsular Asia, Polycrates of Ephesus. So clearly, then, was it the general practice for the bishop of the civil metropolis to preside in the synod of the ecclesiastical province. Thus at a very early period of the Church's history, even if not contemporaneously with the Apostles, the whole Church consisted of "many provinces, being independent[1] of each other in ecclesiastical

[n] Lib. v. c. 23.

[5] Τιμόθεός γε μὴν, τῆς ἐν Ἐφέσῳ παροικίας, ἱστορεῖται πρῶτος τὴν ἐπισκόπην εἰληχέναι, ὡς καὶ Τίτος τῶν ἐπὶ Κρήτης ἐκκλησιῶν.—Eus. Hist. Ecc. l. iii. c. 4.

[6] εἰ μὴ γὰρ ἦν δόκιμος, οὐκ ἂν αὐτῷ τὴν νῆσον ὁλόκληρον τοσούτων ἐπισκόπων κρίσιν ἐπέτρεψεν.—Chrys. Hom. i. in Tit. tom. vi. p. 619. Paris, 1633.

[7] τῶν κατὰ Γαλλίαν δὲ παροικίων ἃς Εἰρηναῖος ἐπεσκόπει.—Euseb. Hist. Ecc. l. v. c. 23.

[8] ἅμα ταῖς λοιπαῖς κατὰ Κρήτην παροικίαις . . . Φίλιππον ἐπίσκοπον αὐτῶν ἀποδέχεται.—Euseb. Hist. Ecc. l. iv. c. 23.

[1] αὐτοκέφαλοι.—Barrow on Pope's Sup. Works, vol. vii. p. 350.

administration; but each one reserving to itself the constitution of bishops, the convocation of synods, the enacting of canons, the decision of spiritual causes," together with such rights and duties as would thence ensue; and in the mean time maintaining "the harmony [o] of communion and concord with other provinces, both adjacent and remote."

IV. How often provincial synods were convened, and by what authority.

It is uncertain [p] how often in the second century metropolitans were wont to convene their provincial synods; the Council of Nice indeed ordered [q] in its fifth canon that they should [r] be assembled twice in each year, in this direction agreeing with the Apostolical Constitutions [2]. But in earlier times it is probable that the occasions of meeting varied according to the requirements of the time, and the respective [s] customs of the several provinces; for Firmilian, bishop of Cæsarea in Cappadocia, says that in his province their synods [3] were annual, and that "the governors [4] of the Church met together *every year* to dispose those things which were committed to their charge;" while in the province of S. Cyprian they met sometimes as frequently [t] as thrice in one year. In truth the practice on this head clearly varied in various provinces; but though it may be uncertain how often provincial synods were held in the earliest age, yet subsequently "the canons appointed two synods [u] to be held [5] ordinarily every year in each province." As regards our own country, the habit of convening provincial synods *twice* a year seems to have prevailed early, as we may gather from the acts of the Councils of Hertford [6], and Challock [7] or Chalk.

It need hardly be remarked, that the provincial synods

o Barrow's Works, vol. vii. p. 352. Oxford, 1830.

p King's Prim. Ch. p. 142.

q Manual Counc. p. 434.

r See Field, Of the Ch. p. 513.

s King's Prim. Ch. p. 142.

t Prim. Ch. p. 143.

u Bingham, Eccl. Ant. book ii. c. 16, sec. 17.

2 δεύτερον τοῦ ἔτους σύνοδος γινέσθω τῶν ἐπισκόπων, κ.τ.λ.—Can. Apost. 36. Vide quoque Conc. Antioch. i. can. 20. Conc. Chalcedon. can. 19.

3 "Per singulos annos in unum concurramus."—King's Prim. Ch., quoting apud Cyp. ep. 75.

4 "Per singulos annos seniores et præpositi," &c.—Ibid. Vide quoque Conc. Aurel. ii. can. 2; iii. can. 1; iv. can. 37.

5 Bingham quotes Conc. Nic. can. 5. Conc. Antioch. can. 20. Can. Apost. 36.

6 "Ut bis in anno synodus congregetur."—Conc. Herud. A.D. 673, can. 7. Conc. Mag. Brit. i. 43. What follows in this canon appears to relate to an exceptional case.

7 "Tertio sermone, perstrinximus omni anno, secundum canonicas institutiones, duo concilia," &c.—Conc. Chalcuith. A.D. 785, can. 3. Conc. Mag. Brit. i. 146.

of the first three ages were convoked by purely ecclesiastical authority, as the temporal magistrates[v], not being then Christians, had little reason, and perhaps still less desire, to challenge that power. Whether the power of convoking them rested at that time with the metropolitan *alone*, it is hard to say; but certainly this authority was very soon put into his hands, and his circular letters called "Synodicæ[w]" and "Tractoriæ," were summonses which no bishop of the province might disobey under pain of suspension, or at any rate of ecclesiastical[x] censure, at the discretion of the metropolitan and the synod.

[v] Prim. Ch. p. 144.

[w] Bingham, Ant. book ii. c. 16, sec. 17.

[x] Conc. Chal. Sess. xv. can. 19.

V. The metropolitan presided, but his power limited.

The metropolitan, chosen and consecrated by his own provincial[y] bishops, presided in the provincial synod, as S. Cyprian[z] at Carthage, Victor[a] at Rome, Irenæus[b] at Lyons. His duty was to see all matters calmly debated, carefully weighed, and fairly decreed; to take the votes of the members, and finally to give his own. This may be learnt[c] from the account of the Council of Carthage, given at the end of S. Cyprian's works; whence it appears, that after all had been said and duly urged relative to the question under discussion, he as metropolitan summed up, and demanded the judgment of the council. After the several members had respectively given in their votes, S. Cyprian last of all tendered his own, thus affording presumptive evidence that a metropolitan was not in that age armed with arbitrary power, but that questions were concluded by the majority in provincial synods.

[y] Bingham, book ii. c. 16, sec. 15.

[z] Man. Counc. p. 101.

[a] Euseb. Eccl. Hist. lib. v. c. 23

[b] Man. Counc. p. 379.

[c] King's Prim. Ch. p. 145.

There are indeed a cloud of witnesses on this point. The thirty-third, or, as it is numbered by some, the thirty-fifth of those called the Apostolical Canons, enacts thus: "Let the primate do nothing without the consent of all the other bishops, so concord will be preserved and God glorified[g]." The sixth canon of the Council of Nice (A.D. 325) decrees that, if an opposition is made to the common opinion, "the votes of the majority shall prevail[g]." The ninth canon of the Council of Antioch (A.D. 341) declares that as "each bishop should not

[g] ἀλλὰ μηδὲ ἐκεῖνος ἄνευ τῆς πάντων γνώμης ποιείτω τι· οὕτως γὰρ ὁμόνοια ἔσται, καὶ δοξασθήσεται ὁ Θεὸς διὰ Κυρίου ἐν ἁγίῳ Πνεύματι.—Can. Apost. 33, alias 35.

[g] ἐὰν . . . δύο ἢ τρεῖς δι' οἰκείαν φιλονεικίαν ἀντιλέγωσι, κρατείτω ἡ τῶν πλειόνων ψῆφος.—Conc. Nic. can. 6.

proceed to do any extraordinary act without the authority of his metropolitan, so neither should the metropolitan act without the consent of the other bishops[1]." Again, the nineteenth canon of this same Council of Antioch, in accordance with the sixth canon of Nice before quoted, enacted, that "in case of dispute the votes of the majority should prevail[2]." In one of the Councils of Arles, held A. D. 452, it was declared "that if doubt or hesitation arose, the metropolitan should side with the greater number[3];" which rule seems to coincide with S. Cyprian's practice of tendering his vote last[d] of all. And the fifty-sixth canon of the same council seems to impose a general restraint upon the power of the metropolitan, and in the following words of wide signification forbids his assuming any appearance of absolute authority—"This should be carefully guarded against, lest the metropolitans should imagine that any prerogative can be claimed by them in opposition to the provincial synod[4]."

[d] Vid. p. 58, sup.

Notwithstanding such precedents, a far higher degree of authority than is fairly deducible from any primitive practice, ancient canons, or indeed, as it is believed, from any known law or custom whatever, has been challenged of late for the English metropolitans over their respective provincial synods or "convocations." The more modern instances of these claims are based upon legal opinions which have too little foundation to require any serious consideration, as they only present the appearance of such haphazard thoughts as would be thrown off at random by advisers lacking either skill or industry, or both, in the prosecution of their professional calling.

There is, however, an authority well worthy of notice and con-

[1] ἕκαστον γὰρ ἐπίσκοπον .... περαιτέρω δὲ μηδὲν πράττειν ἐπιχειρεῖν, δίχα τοῦ τῆς μητροπόλεως ἐπισκόπου, μηδὲ αὐτὸν ἄνευ τῆς τῶν λοιπῶν γνώμης.—Conc. Antioch. i. can. 19.

[2] ἀντιλέγοιεν δέ τινες δι' οἰκείαν φιλονεικίαν, κρατεῖν τὴν τῶν πλειόνων ψῆφον.—Conc. Antioch. i. can. 19.

[3] "Quod si inter partes aliqua nata fuerit dubitatio, majori numero metropolitanus in electione consentiat."—Conc. Arelat. ii. can. 5.

[4] "Hoc enim placuit custodiri, ut nihil contra magnam synodum metropolitani sibi æstiment vindicandum."—Conc. Arelat. ii. can. 56.

MEM.—This topic has been enlarged by the aid of Dr. R. Phillimore's opinion on this subject, though the greater part of it was written previously to the appearance of that learned production.

sideration, which claims very extensive powers for metropolitans over their provincial synods. Bishop Gibson, in his "History of Convocations," says that the metropolitan is not only "head[e] of the proceedings in both houses (*i. e.* of convocation), but what is more, has a final negative upon them." In another place he says, "Even[f] in canons and all matters passing by subscription, the metropolitan's *ancient authority* remains so far entire, that without his concurrence the agreement of all the rest is not the act of convocation, nor can be presented as such to the prince for his royal confirmation." And in another place again we find these words: "All synodical acts, to which[g] the royal licence is not necessary, receive their final authority from the sanction of the metropolitan, *i. e.* they still pass in the *ancient canonical way*." Now these statements emanate from a most learned divine, who, unlike some of our modern advisers of another profession, read deeply and thought carefully before he recorded his opinions on such matters: they are therefore worthy of much consideration. But if such powers do now indeed belong to the office of metropolitan, that "*ancient authority*" here pleaded for them, that "*ancient canonical way*" suggested as entailing these rights, must be considered as expressions referring not to the apostolic times, not to the purer ages of the early Church, but to those later times of our history in which the influences of the Roman power had overborne the original elements of ecclesiastical government, and in which the system of lodging all attainable power in the person of some nominee of the pope, had sapped the very foundations of this national Church, and introduced through the breaches of her outworks an array of hostile authority, neither known to the synods of the primitive ages, nor to her own earlier ecclesiastical assemblies. It must however be borne in mind that the right reverend writer above quoted was certainly not prone to underrate the authority and privileges attached to the most dignified persons among the English clergy; and further, as a matter of history, these powers of our metropolitans (if they do exist) cannot be referred in strictness to "*ancient authority*" or "*the ancient canonical way*" in the sense of primitive practice; for they certainly have been derived through Roman precedents of later ages, and have grown up from circumstances connected with poli-

[e] pp. 245, 246.

[f] Ibid. Addenda in fin. lib.

[g] Ibid. p. 183.

tical influences, and from a backwardness on the part of the suffragan bishops (not to mention the humbler clergy) to assert rights entailed by ancient inheritance on the less exalted members of our provincial synods.

VI. The comprovincial bishops in provincial synods: their rights of precedence—their obligation to attend.

Next to the metropolitan, in provincial synods, ranked the bishops of the several dioceses, who, having received their "Synodicæ" or "Tractoriæ," writs of summons from their metropolitan, might not omit to appear save on the ground of ill health[5]. It appears that among the bishops some had a peculiar deference paid to them, not on account of their age so much as "out[h] of regard to the eminency of their see, as being some mother Church, or at least one particularly honoured by ancient prescription." This may be observed in an instance before quoted, where Narcissus of Jerusalem was associated with his metropolitan, Theophilus of Cæsarea, in the Synod of Palestine[i], on account of that honorary distinction ever accorded to the Bishop of Jerusalem; for, "as[j] the Council of Constantinople words it . . . Jerusalem[6] was the mother of all other Churches." Nor is this custom entirely overlooked in our provincial Synod of Canterbury: the Bishop of London, as dean of the province, inherits peculiar official pre-eminences; and the Bishop[k] of Winchester, next to him, enjoys certain rights attached to his see also.

In the ancient provincial synods, with the exception before mentioned, the bishops took their places according to seniority; and in that order[l] they so sat in deliberation, so voted, and so had their names subscribed to the acts; and this practice was established not only by the canons of the Church[7], but by the enactments of the civil laws[8]. And so particular were they about this right of precedence, that there was kept in the metropolitan church a "matricula[m]" or "archivus," in fact a register, by which each bishop might be able to prove the date of his

h Bingham's Ant. book ii. c. 16, sec. 11.

i Eus. lib. v. c. 23.
j Bingham's Ant. book ii. c. 16, sec. 11.

k See Synod of London, an. 1075. Conc. Mag. Brit. vol. i. p. 363.

l Bingham, Ant. book ii. c. 16, sec. 8.

m Bingham, book ii. c. 16, sec. 8.

5 "Exceptâ gravi infirmitate corporis."—Conc. Agathens. can. 35.

6 *τῆς δὲ μητρὸς ἁπασῶν τῶν ἐκκλησιῶν τῆς ἐν Ἱεροσολύμοις.* Bingham quotes Labbe, vol. ii. p. 966, b. ii.

7 Bingham quotes Conc. Milevit. can. 13. Labbe, vol. ii. p. 1541, b. v. "Posteriores anterioribus deferant." Also Conc. Bracar. i. can. 24. Labbe, Conc. ii. can. 6, vol. v. p. 840: "Cæteri episcoporum, secundum suæ ordinationis tempus, alius alio sedendi deferat locum."

8 Bingham quotes Cod. Justin. lib. i. tit. iv. c. 29, *ἐπισκόπων τῶν κατὰ τὴν τάξιν τῆς χειροτονίας προτενόντων.*

ordination and consecration, and so to claim his proper place in the provincial synod. And this might have become under some circumstances a matter of very grave importance, because if the metropolitan[n] was disabled by infirmity or sickness, or became disqualified for the proper discharge of his office by irregularity or suspension, his powers devolved on the senior bishop of the province, who was empowered under such unusual circumstances to discharge the functions of the person so incapacitated.

[n] Bingham, book ii. c. 16, sec. 9.

The bishops of the province were not only obliged to attend their provincial synod unless they could shew good cause for absence, but they might not depart before the business proposed was concluded. Indeed, to enforce this duty of attendance throughout the synodical deliberations, there was this decree passed in the second Council of Arles: "If any one neglects to be present, or leaves the assembly of his brethren before the council be ended, he shall be excluded from the communion of his brethren, and not be received again till he is absolved by the following synod[o]."

[o] Can. 19.

VII. Presbyters in provincial synods—their right denied by some of later times—the objectors answered at length.

The right[p] of presbyters to be called to provincial synods, to sit and to deliberate as constituent members of them, is one which should be most carefully traced up to primitive practice, inasmuch as it is a right now enjoyed by them in the English Church—a right of extreme importance to her, and one affecting the very elements of her convocations. Now this right may be dated even from the very beginning[q]: and if it belonged to the presbyters of the Church in primitive and early ages, it will surely be allowed to have been entailed upon those of later times from a source calculated to impress us with its importance, and to fortify their enjoyment of it by sanctions of the gravest authority.

[p] Vide Stillingfleet's Orig. Brit. p. 77.

There have not, indeed, been wanting persons who have suggested that the present constitution of our provincial synods originated in causes connected with state purposes, and that presbyters of ancient right have no place in them. Those who would subjugate our Church, with all her functions, rights, and

[q] προκαθημένου τοῦ ἐπισκόπου εἰς τόπον Θεοῦ, καὶ τῶν πρεσβυτέρων εἰς τόπον συνεδρίου τῶν ἀποστόλων.—Epist. S. Ignat. ad Magnes. p. 27. Paris, 1562.

privileges, hopelessly at the feet of the civil power; and those[1], on the other hand, who would fain place her under the iron heel of papal jurisdiction.defend their respective positions under the same outwork, and forge their weapons of offence on the same anvil. And as great pains have been taken to shew that our convocations are not modelled upon the form of the ancient provincial synods, the reader who is well disposed to the constitution of our national Church and jealous of her inherent rights, as conferred upon her by divine inheritance, and properly entailed on her in accordance with the examples of primitive antiquity, will not be indisposed to peruse some undeniable proofs that in the first ages of Christianity presbyters were constituent members of provincial synods.

"It is[q]," are the words of a very learned man, "the particular privilege of English priests to have a right to sit as constituent members in provincial synods; and are owned, in all conclusive acts, to have a negative on the bishops." Now if by the words "particular privilege" is meant that this very great and valuable privilege is annexed to the offices of English presbyters, viz. that some of their body have a right to sit as constituent members in our provincial synods, nothing can be more true. And long may this privilege be continued—authorized by apostolic example in the Council of Jerusalem, confirmed by the precedents of the primitive ages, and entailed upon that order in the ministry from the earliest times of our history by the constitution of this national Church. But if these words "particular privilege" are meant to signify a privilege which has appertained to English presbyters, and to them only, and which never attached to that order in the early ages of Christianity and the purer times of Church government—if these words mean to suggest that we cannot appeal to antiquity, and there point out the true originals of our convocations and the models upon which they are constituted, then, in disproof of such an assertion, the following facts are not unworthy of consideration.

Now abundant evidence[r] may be produced that presbyters, even from the earliest antiquity, had places in provincial synods, and in those larger ecclesiastical assemblies where many bishops met. Not to insist again here upon the example of

[1] Cellotius the Jesuit, and Bellarmine, de Concil. lib. i. c. 15.

[q] Johnson's Vad. Mec. vol. ii. pref. p. 56.

[r] Bp. Bilson, Perpet. Gov. of Christ's Ch. pp. 391, 392. Brett, Ch. Gov. pp. 328—333. Bingham, Eccl. Ant. book ii. c. 19, sec. 8—12.

the Council of Jerusalem, where the *presbyters* were joined[s] in council with the Apostles, and which has been sufficiently considered above, some proofs of this fact derived from various sources shall be cited in chronological order.

The Synod of Alexandria[t], held A. D. 230, under Demetrius, in which Origen was deposed from the priesthood, was composed of both bishops and *presbyters*[2]. Then we have the testimony of S. Cyprian[u] on this head when he thus writes: "I and my colleagues[v] who were present were deeply moved, as were also *the associated presbyters*[3] *who sat with us.*" In the Synod of Rome, convened against Novatus and the sect of the Cathari, about A. D. 255, "Sixty[4] bishops, *with a greater number of presbyters* and deacons, assembled." In that of Carthage[w], held about A. D. 256, concerning the rebaptization of heretics, the provincial bishops met, together with *presbyters* and also deacons. In the great Council of Antioch, held about A. D. 264, where a very great number[x] of bishops were present in order to confute the heresy of Paulus Samosatenus, *presbyters*[y] and deacons were present; and further, they all joined on this occasion in the synodical[z] epistle dispatched to Dionysius and Maximus, respectively bishops of Rome and Alexandria. But what is more to our present purpose, as shewing the position which *presbyters* then held in the larger and more important synods, when the disputation was here deemed of such importance that the whole proceedings[5] were written down, *a presbyter*[6] named Malchion was the chief speaker; and "*he alone* prevailed[7] to unmask the deep and deceitful heretic." This is a most important precedent; and the fact that this Malchion was only a *presbyter* at that time is unquestionable, Eusebius informing us that he had been ad-

[s] Vid. sup. chap. i. sec. 7.

[t] Bingham's Ant. book ii. c. 19, sec. 8.

[u] Born about A. D. 200.

[v] Cyp. ep. 1, ap. Att. Rights, p. 5.

[w] Wake's State, p. 95, quoting apud S. Cyp. p. 229.

[x] Euseb. Eccl. Hist. lib. vii. c. 29.

[y] Ibid. c. 30.

[z] Ibid.

[2] Σύνοδος ἀθροίζεται ἐπισκόπων, καὶ τινῶν πρεσβυτέρων, κατ' Ὠριγένους.—Pamphil. Apol. ap. Phot. Cod. cxviii. p. 298; apud Bingham, ut sup.

[3] "Et compresbyteri nostri, qui nobis assidebant."—Cyp. ep. 1, apud Att. Rights, p. 5.

[4] ἑξήκοντα . . . ἐπισκόπων, πλειόνων δὲ ἔτι μᾶλλον πρεσβυτέρων τε καὶ διακόνων, κ. τ. λ.—Euseb. Ecc. Hist. lib. vi. sec. 43.

[5] ἐπισημιουμένων ταχυγράφων.—Euseb. Ecc. Hist. lib. vii. c. 29.

[6] μάλιστα δὲ αὐτὸν εὐθύνας ἐπικρυπτόμενον διήλεγξε Μαλχίων.—Euseb. Ecc. Hist. lib. vii. c. 29.

[7] μόνος ἴσχυσε . . . κρυψίνουν ὄντα καὶ ἀπάτηλον φωράσαι τὸν ἄνθρωπον.—Euseb. Ecc. Hist. lib. vii. c. 29.

mitted to that[8] order on account of his "exceeding sincerity in the faith of Christ."

It is expressly stated[a] in the acts of the Council of Eliberis, in Spain, held about A.D. 300, that there were thirty-six *presbyters* sitting with the bishops, while the deacons and people stood in their presence[9].

[a] Bingham, Eccl. Ant. book ii. c. 19, sec. 12.

In the first Synod of Arles, held A.D. 314, the names of fifteen *presbyters*[b] are found among the subscribers, though many of the subscriptions are lost; and it may be remarked, that in the tractoriæ or letters of summons to this synod, Chrestus, bishop of Syracuse, was ordered to bring with him "two[1] of the second throne," *i.e.* two *presbyters*, as was observed in the previous[c] chapter.

[b] Ibid. cites Labbe, vol. i. p. 1429.

[c] Vid. sup. chap. ii. sec. 5.

In the first Synod of Toledo, held September 1, A.D. 400, when the bishops entered the church, the *presbyters*[2] are represented as sitting with them, while the deacons stood by.

In the synod held under Hilarius, A.D. 461, the *presbyters*[d] of Rome all sat together[3] with the bishops, and the deacons stood by them.

[d] Bingham, Eccl. Ant. book ii. c. 19, sec. 12.

In a synod[e] held under Felix, A.D. 487, seventy-six *presbyters* are mentioned as having sat together with the bishops, the deacons as in the former case standing by them.

[e] Ibid.

In a synod[f] held under Symmachus, A.D. 499, sixty-seven *presbyters*[4] subscribed in the same form as the bishops, and indeed here the names of six deacons are added.

[f] Ibid.

In another synod[g] under the same, held A.D. 502, thirty-six *presbyters*[5] are mentioned as sitting with the bishops, the deacons standing as before.

[g] Ibid.

Such was[h] also the case in the fifth and sixth synods held under the same Symmachus.

[h] Brett on Ch. Gov. p. 330.

[8] πρεσβυτερίου τῆς αὐτόθι παροικίας ἠξιώμενος.—Euseb. Ecc. Hist. lib. vii. c. 29.

[9] "Triginta et sex (edit. Mendosæ) presbyteris, adstantibus diaconis et omni plebe." (Bingham cites Labbe, vol. i. p. 969.)

[1] δύο γέ τινας τῶν ἐκ τοῦ δευτέρου θρόνου.—Euseb. Ecc. Hist. lib. x. c. 5.

[2] "Convenientibus episcopis in ecclesiâ . . . considentibus presbyteris, adstantibus diaconis."—Bingham, Eccl. Ant. b. ii. c. 19, sec. 12, cites Labbe, vol. ii. p. 1223 B.

[3] "Residentibus etiam universis presbyteris, adstantibus quoque diaconis."—Bingham cites Justell. Bibliothec. Jur. Can. Concil. Rom. vol. i. p. 250.

[4] "Subscripserunt presbyteri numero LXVII."—Ibid. p. 259.

[5] "Residentibus etiam presbyteris, Projectio, Martino, &c., adstantibus quoque diaconis."—Ibid. p. 261.

By the Spanish[i] Synod of Tarragona, A.D. 516, it was particularly provided that the bishops should bring with them to provincial synods *presbyters* not only from the cathedral churches, but from the other churches of their dioceses[6].

In the[j] second Synod of Braga, in Portugal, A.D. 560, we find the *presbyters*[7] present with the bishops, the distinction being made that others should remain standing.

The Synod[k] of Auxerre thus decrees: "Let all the *presbyters*[l], being called, come to the synod in the city."

The fourth Synod of Toledo[m] thus describes the celebration of provincial synods: "Let the bishops[n] assembled go to church together, and sit according to the time of their ordination. After all the bishops are entered and set, let the *presbyters* be called, and the bishops sitting in a compass, let the *presbyters* sit behind them, and the deacons stand before them."

In the synod[o] held under Gregory II., A.D. 715, the bishops, *presbyters*, and even deacons, all subscribe in the same form to the decrees.

And to come to later times, we have examples which seem peculiarly fitted to disable the assertions[p] of the Romish party against the authority[q] of presbyters in the larger synods.

In the Synod of Lateran, held November 11, A.D. 1215, under Innocentius III., there were[r] 482 bishops[s], and of abbots[s] and conventual priors (being *presbyters*) almost double the number, amounting to 800. Again, this same Innocent III., in his rescript[t] to the Archbishop of Sens, directs that the *proctors*[9] *of cathedral chapters* should be admitted to treat in a provincial synod. And consequently about ten years afterwards, A.D. 1226, this decree seems to have been so exactly obeyed in France, that to a synod then held[u] the *proctors of the chap-*

[i] Brett, Ch. Gov. p. 330. Att. Rights, p. 8.

[j] Bingham, Eccl. Ant. book ii. c. 19, sec. 12.

[k] Brett, Ch. Gov. p. 330.

[l] Ibid. citing can. 7.

[m] Brett, Ch. Gov. p. 330.

[n] Can. 3, apud Brett.

[o] Bingham, Eccl. Ant. book ii. c. 19, sec. 12.

[p] Bellarm. de Concil. lib. i. c. 15. de Controvers. tom. i. p. 1160. Ingoldstat, 1586.

[q] See also Cellotius.

[r] Brett, Ch. Gov. p. 331.

[s] Bilson, Perpet. Gov. p. 392.

[t] Atterb. Rights, p. 8.

[u] Atterb. Rights, p. 9.

[6] "Epistolæ tales a metropolitanis sunt dirigendæ, ut non solum de cathedralibus ecclesiis presbyteros, verum etiam de diœcesanis, ad concilium trahant."—Can. 13, Conc. Tar. apud Att. Rights, p. 8.

[7] "Considentibus simul episcopis, præsentibus quoque presbyteris, adstantibusque ministris vel universo clero."—Bingham, ut sup. cites Labbe, vol. v. p. 836 c.

[8] "Others give the number of bishops as 412."—Landon's Manual Councils, p. 294.

[9] "Capitula, per procuratores suos, debent admitti ad tractandum in concilio provinciali."—Atterb. Rights, p. 8, quoting Extrav.

ters came in sufficient numbers, and with resolution enough to negative an oppressive demand of the Roman legate, and to rescue the liberties, at least for a season, of the Gallican Church from papal[v] encroachment.

Dupin[w], than whom no one was better skilled in the antiquities of the Church, says, "We read that *presbyters* have sat in provincial synods and judged with the bishops;" and he thought the matter so clear, that he did not go about to produce proof; but that such was the case in the Gallican Church, may be gathered[x] from the records of the Synods of Lestines; Frankfort, A.D. 794; Mentz, A.D. 813; and of Tours, held in the same year.

Moreover, Bishop Bilson[y], though a great champion of episcopacy, gives both reasons and authorities in abundance that *presbyters* should have votes and seats in synods, "so long as they have a right to teach and speak in the Church."

All this notwithstanding, the Romish[z] novelty which[a] excludes presbyters from giving decisive votes in the larger synods, has been viewed with some[b] satisfaction in England; and we have, moreover, of late been favoured with suggestions that the lower clergy are indebted to K. Edward I.'s financial operations for their places in our provincial synods or convocations. To meet such views the foregoing facts have been produced, as well as to shew that the rights here claimed for presbyters are based upon apostolical and primitive practice, and may be defended by an appeal to the records of the Church at large.

That the presbyters of old had decisive voices in the larger synods, in matters of discipline[c], as in the case of restoring the lapsed to the communion of the Church, and of doctrine, as in the case of the baptism of heretics, seems incontestable. Into the distinction which has[d] been drawn as respects matters of judicature, it is needless here to enter. It may be that where a bishop is to be judged, presbyters have no voice, as the lesser should perhaps not sit in judgment on the greater; but with this reserve it is clear that presbyters had places and gave votes decisive in such assemblies,—a right which has been entailed upon presbyters of the English Church by an inheritance of sacred origin, and one of which it is to be hoped no man will succeed in robbing them.

[v] Atterb. Rights, p. 9.
[w] Brett, Ch. Gov. p. 333.
[x] Brett, ut sup. cites Preuves des Libertés de l'Eglise Gallicane.
[y] Bp. Bilson, Perpet. Gov. of Christ's Ch. c. 16, pp. 391, 392.
[z] Vid. Bellarm. de Concil. lib. i. c. 15. De Cont. tom. i. p. 1160. Ingoldstat, 1586.
[a] See the Rev. R. J. Wilberforce on the Supremacy, p. 77.
[b] Kennett's Eccl. Synods, p. 42, & Bp. Gibson's Syn. Ang. p. 172.
[c] Brett on Ch. Gov. p. 329.
[d] Ibid.

In England the right of presbyters to sit and vote in provincial and national synods, during the early British and Anglo-Saxon times, will appear unanswerably clear as we proceed in this inquiry. Even after the Norman Conquest, when the Romish aggressions on our national Church went far to disable the rights of the lower clergy, yet the practice nevertheless appears to have prevailed for the abbots and priors to bring to the larger synods instruments[e] of proxy, which enabled them to act for their chapters or convents respectively, while the archdeacons were empowered to represent the diocesan clergy when none of these last appeared; for they "were[f] willing enough to be excused the expense and trouble of attendance when synods were frequent." And this practice appears to have prevailed, at least so far as documents supply positive evidence, to the date of Archbishop Robert Kilwarby, who in 1273 and 1279 sent out two writs, the first summoning[g] certain clergy, the second summoning[h] diocesan proctors to appear in his provincial synods. From the time of that archbishop it is notoriously matter of history, that the English parochial clergy, by representatives of their own order, have not only appeared uninterruptedly as members of our provincial synods, but that they have exercised most important powers, extending (in matters of doctrine, discipline, and questions involving the alteration of liturgies, and ecclesiastical canons) to a final negative on the archiepiscopal and episcopal members of those assemblies. Such important rights it would be most prejudicial to this national Church to refer solely to modern practice, and to ground upon civil sanctions alone. Those rights lie deeper, entwined firmly among the very foundations of Christianity. They are the roots of healthful supply which give vigour and increase to that which, though once "the least[i] of all seeds," has flourished until "the hills" have been "covered[j] with the shadow of it," while its boughs have been sent out "unto[k] the sea" and its "branches[l] unto the river." And, finally, to sum up this point in the words of one whose authority in such matters is unexceptionable, "It is agreed on[m] all hands by unprejudiced writers and curious searchers[n] of antiquity, that presbyters had liberty to sit[o] and deliberate with bishops in provincial councils."

[e] Atterb. Rights, p. 9, citing M. Paris, ad an. 1237, p. 446.

[f] Atterb. Rights, p. 10.

[g] Conc. Mag. Brit. ii. 26.

[h] Conc. Mag. Brit. ii. 30.

[i] S. Matt. xiii. 31.

[j] Ps. lxxx. 10.

[k] Ibid. 11.

[l] Ibid.

[m] Bingham, Eccl. Ant. book ii. c. 19, sec. 12.

[n] Brett, Ch. Gov. pp. 138. 324 et seq. 364. Field, Of the Ch. pp. 513. 645. 647. Bp. Bilson, Perpet. Gov. of Christ's Ch. p. 390 et seq.

[o] Wordsworth's Theoph. Ang. cites Foulke's Manual, p. 41.

VIII. Form of holding a provincial synod in early times.

The manner of holding provincial synods in a comparatively early age may be gathered from the fourth canon of the fourth Council of Toledo. This council was held in the year 633. But the directions then given as to the manner of holding a synod probably represent to us the forms which had been handed down from remoter times, and prevailed by customs of a more ancient date.

At[1] early dawn before sunrise the church where the synod was about to assemble was cleared of all manner of persons. The doors having been closed, doorkeepers were appointed to take up their positions at an entrance set apart for the bishops and presbyters. The bishops arrived in company, and entered together, taking their seats according to the dates of their respective ordinations. After they were all seated, the names of those presbyters were called over who had representations[2] to make to the synod, and they were admitted; but a special rule prevailed that no deacon should then be included among them. After the presbyters had entered, there followed certain approved deacons, whose[3] presence was required. A "corona" being then formed, the bishops and presbyters sat down in a semicircle, the former in the first, the latter in the second rank, and a position was taken up by the deacons standing in front of the bishops. Certain of the laity who had been selected[4] by the members of the council were then introduced, as also the notaries[5], required for the performance of specific duties. The conclave being thus complete, and the doors finally closed, the bishops and presbyters sat for awhile in silence, having their minds intent on heavenly things, until an archdeacon broke silence with the words, "Let us pray." All immediately inclined themselves to the ground, and for some time offered up their private prayers, accompanied with tears and sighs. One of the elder bishops then arose and offered a prayer aloud to God, while the rest of the assembly remained kneeling. After this supplication was finished, and had been responded to by a general "Amen,"

[1] Some phrases are given in the original language, that the ingenious reader may correct for himself any inaccuracies in translation.

[2] "Quos causa probaverit introire."

[3] "Quos ordo poposcerit interesse."

[4] "Qui electione concilii interesse meruerint."

[5] "Quos ad recitandum vel excipiendum ordo requirit."

the words "Rise from the ground" were uttered by a deacon. All immediately rose up, the bishops and presbyters taking their places[6] as before with due reverence towards God, and in their appointed order. The rest now sitting down in silence, each in his proper position, a deacon clad in an alb carried into the midst of the assembly a volume of canons, whence he read the acts respecting the holding of councils, after which the metropolitan addressed himself on this wise to the synod. "Most holy bishops and presbyters," he said, "there have been read to you, from the canons of the ancient fathers, the sentences which give directions respecting the celebration of your council: if, then, any cause urges one of you to such a course, let him make his statement in the presence of his brethren." If at this time any complaint against a breach of canons was brought before the notice[7] of the bishops and presbyters, no other point could be attended to until this case was first definitively adjudicated upon. And if any presbyter, deacon, clerk, or layman of those who had not been admitted to be present at the synod, thought that he had any cause for making an appeal there, it was his duty to give intimation of the fact to the archdeacon of the metropolitan church, who laid the case before the council, when leave was commonly given to the appellant to enter the church, and to state his grievance. A rule also existed that none of the bishops might depart from the synod before the hour of general separation, nor *might*[8] *any one dare to dissolve the synod* unless every point brought forward had been previously determined; so that whatsoever was concluded by common deliberation might be subscribed by the hand of each bishop separately; for in the words of the canon[p], "we may then believe that God is with his priesthood, if all tumult being avoided, the business of the Church is managed with anxious care and a tranquil spirit."

[p] Conc. iv. Toled. can. 4.

We have seen above that the authoritative members of provincial synods were the metropolitan, the comprovincial

[6] "Cum omni timore Dei et disciplina tam episcopi quam presbyteres sedeant."

[7] "In audientiam sacerdotalem."

[8] "Concilium quoque *nullus* solvere audeat, nisi fuerint cuncta determinata, ita ut quecunque deliberatione communi finiuntur, episcoporum singulorum manibus subscribantur."

bishops, and certain chosen presbyters. It is also clear that other persons were frequently present, and especially that deacons had places assigned to them; for as the bishops sat in a semicircle, while the presbyters sat behind them, so [q] the deacons stood in front. But though the deacons, and indeed sometimes a great body [9] of the people, were present in provincial synods, yet the constituent members—those who had definitive voices there—were only the metropolitan, the comprovincial bishops, and chosen presbyters [r].

[q] Conc. Tol. iv. can. 3.

[r] See Stillingfleet's Orig. Brit. p. 77.

IX. The subjects treated of in provincial synods.

The subjects [s] with which the early provincial synods dealt may be viewed as twofold: first, those which related to foreign Churches; and, secondly, those which related to such Churches as sent representatives to the synod. Any determinations arrived at upon subjects connected with foreign Churches were not obligatory upon them, being only looked upon in the light of advice or counsel respecting such points of doubt or difficulty as had been proposed for consideration. Thus we find that the case of two Spanish bishops, Martialis and Basilides, who had lapsed, was debated in an African synod; but this was done only for the sake of giving on that subject the advice and opinion of the members, which are preserved in the synodical [t] epistle written upon the occasion. But with respect to those Churches which were represented in the provincial synod, the decrees made were binding. There the bishops and presbyters "consulted [u] about the discipline, government, and external polity of their Churches, and what means were expedient and proper for their peace, unity, and order, which by their common consent they enacted and decreed to be observed by all the faithful of those Churches whom they did represent." In short, their main objects were, while generally testifying to the common faith of the Church at large, first, to give counsel to such foreign Churches as required it; and, secondly, to regulate authoritatively all ecclesiastical affairs within their own proper jurisdictions. In the words of Firmilian, "The bishops [v] and presby-

[s] King's Primitive Ch. p. 146.

[t] Cyp. ep. 68, p. 174. Altdorf, 1681.

[u] King's Prim. Ch. p. 148.

[v] Cyp. epist. 75, sec. 3, p. 237. Altdorf, 1681.

[9] "Episcopi plures in unum convenientes præsente et stantium plebe."

"Collatione . . . pariter ac stantibus laicis factâ."—King's Prim. Ch. pp. 143-144, citing S. Cyp. ep. xiv. 2, p. 41, and ep. xxxi. 5, p. 70.

"Præsente etiam plebis maximâ parte."—Act. Conc. Carth. apud Cyp. p. 443, cited by King, Prim. Ch. p. 144.

ters met together every year to dispose those things which were committed to their charge[1]."

Among those things the regulation of divine offices of course took an important place in the duties of provincial synods: and great care[w] was taken that the same order of the Church should be observed by all in the same *province*. In the fifth and sixth centuries plain traces appear of the provisions which were made for uniformity of ritual within the same provincial limits, for canons are on record "requiring the Churches[x] of each respective province to conform their usages to the rites and forms of the metropolitical or principal Church among them." Thus at the Synod of Vannes, in Bretagne, A.D. 465, it was ordained "that within[y] our *province* there should be the same order of sacred rites and the same mode of chanting; that as we hold one faith in the confession of the Trinity, so we may follow one rule of holy offices, in order that our devotions may not appear to differ by reason of variation in any of our religious observances." A like similarity in outward rites was secured by the acts of the Synods of Epone, in Provence, and Gerona, in Catalonia, held in the year 517. In the former of those synods the comprovincial bishops were bid, "in celebrating[z] divine offices, to observe the same forms as their *metropolitan*." And in the latter, the Synod of Gerona, a direction was given that "in the whole[a] *province* of Tarragona the same order of the communion office and the same modes of chanting and of ministration should be observed as prevailed in the *metropolitan* church." Again, in the first Council of Braga, in Portugal, held in the year 563, it was decided[b] by universal consent that—"the same mode of chanting in the morning and evening offices should be observed;"—that "on holydays the same lessons should be read in all the churches;"—that "the bishops and priests should salute the laity with the same form of words—'Dominus sit vobiscum;'"—that "the communion office should be celebrated by all in the same form as that admitted by Profuturus, formerly bishop of their *metropolitan* Church;"—and that "all should adhere to that form of the baptismal office which the *metropolitan Church* of Braga

[w] Council Agde, can. 30.

[x] Bingham, Eccl. Ant. book xvi. c. 1, sec. 13.

[y] Can. 15.

[z] Can. 27.

[a] Can. 1.

[b] Can. 19. 23.

[1] "Per singulos annos seniores et præpositi in unum conveniamus, ad disponenda ea, quæ curæ nostræ commissa sunt."

had observed from of old." Such evidences we find of the acts of provincial synods, passed to secure unity of worship within their respective jurisdictions, so early as in the fifth and sixth centuries.

And though from lapse of time, from the fury of persecution, and from the neglect of such as should have been more careful in that behalf, but few of the canons of the very earliest provincial synods are still preserved, yet enough has been handed down to convince us that their objects were those which have been mentioned; and that when they had set forth such decrees as were deemed expedient for the polity and government of the Churches under their authority, they not only required those decrees to be obeyed, but enforced, under penalties, the observance of them within the proper bounds of their respective jurisdictions.

X. The means of enforcing their decrees.

The means[c] of enforcing the decrees of provincial synods, many[d] of which may be found in the writings of S. Cyprian, were sentences of excommunication, suspension, or deprivation, according to the quality of the offender and the aggravation of the offence. Sometimes the faithful were forbidden to mention the offender "in their prayers[e] or make any oblation for him;" sometimes it was deemed enough "to chide him for his rashness, and strictly charge him that[f] he should not repeat his acts of disobedience." The Church's arms, with which she waged war against the powers of this world were spiritual, not carnal weapons; and with those assuredly she will ever be best girded for her conflict[2]. They may be summed up briefly under three heads: deposition from holy offices,—deprivation of Christian privileges,—and spiritual censures. One instance of each will now suffice. As an instance of the *first*, Martialis and Basilides, before referred to, two Spanish bishops[g], one of Astorga, the other of Emerita, were deprived of the ecclesiastical character, and adjudged to be admitted to communion only in the quality of laymen. As an instance of the *second* may be mentioned the case of Victor, bishop of Furnes, who had acted in opposition to the canons of an African synod; and in reference to whom S. Cyprian wrote

c Vid. sup. c. i. sec. 11.
d King's Prim. Ch. p. 150.
e Cyp. epist. 66, 1, 2, p. 169, 170. Altdorf, 1681.
f Ibid. epist. 59, 1, p. 144. Altdorf, 1681.
g King's Prim. Ch. p. 152.

[2] ——— ἐξ ἱερῶν ἀέθλων
Μέλλοντα ποθεινοτάταν δόξαν φέρειν.—Pind. Ol. Od. viii. 84, 85.

to the clergy and laity of that diocese, saying that he hoped they would take care that Victor should suffer the penalty annexed to the breach of the canons; that, in conformity thereto, they would not "mention him in[h] their prayers nor make any oblation for him." And, *thirdly*, an instance of spiritual censure is handed down to us in the case of Therapius, who was chid by a conclave of sixty-six bishops for his rashness in breaking the canons of a synod, by absolving a presbyter[i] named Victor before the time appointed by the synod for penance had expired.

[h] S. Cyp. ep. 66, 2, p. 170. Altdorf, 1681.

[i] Cyp. ep. 59, 1, p. 144.

Such is a brief outline of the objects, constitution, jurisdiction, and powers of the provincial synods of the Church, as handed down from the primitive ages of Christianity.

XI. Early provincial synods the models of English convocations.

These provincial synods now under consideration are to us a subject of very peculiar interest, not only as being models upon which the ecclesiastical assemblies of this land have been framed in times past, but as being the foundations upon which the constitution of our Church is based at this moment, and the sources to which the existence and the present form of our *convocations* may be referred. And since we can discover, at least so far back as in the second century of the Church, the models of those convocations, to whose authority we are indebted for our liturgy, our articles, our canons, in truth, for the appointment of all the outward circumstance of our Church, and for the regulation of its internal arrangement, we are warranted in setting a high value on such assemblies. We may reasonably desire that institutions based on such ancient precedents, and to which we owe so large a debt of gratitude, should abide still among us in all their integrity, and exercise that measure of grave authority, to which the antiquity of their origin, as well as the benefits they have conferred on this Church and nation, so justly entitle them. No well-wisher to England would desire to see her provincial synods or convocations become busy, meddling assemblies, permanently sitting acourse with the imperial parliament, and affording an arena for party strife and unseemly disputation. But it is a reasonable object of desire that our provincial synods should be convened in due order from time to time, and that when so convened they should maintain their solemn

character; prepared to defend the faith with courage against all aggression from without, and to apply with a careful and tender solicitude soothing remedies to every ill which may arise from within. It is a reasonable object of desire that the foundations and substructure, on which the national Church is built, should be recognized by all as existing in fixed solidity, in undecaying integrity. Then, at any rate, will there be a voice ready to speak when required for counsel or exhortation; hands prepared to act, whether for defence or healing.

Thus it would surely be better than that such a state of disorganization should be allowed by degrees to prevail, as, in the language of judicious Hooker[j], "makes all contentions endless, or brings them to one only determination, and that of all others the worst, which is by sword."

[j] Eccl. Pol. vol. i. p. 256. Oxford, 1820.

Indeed, if the ancient and lawful assemblies of the Church should be entirely omitted, it is impossible that she should be maintained in any seemly order. Cases of doubt, difficulty, and disagreement must from time to time arise in this ever changeful world; and unless there is some existing source of legitimate authority to direct, unity of faith and discipline cannot be maintained. First one discrepancy, then another will creep in, each perhaps small at first, but by degrees entailing increasing differences; until these will multiply in such numbers, and to such an extent, as to be subversive of all order, and will finally produce the gravest difficulties, and so end in confusions perhaps hopelessly irreparable.

But surely if "all things[k]" should "be done . . . in order," as S. Paul advises, then confusion is by all means and above all things to be avoided in the Church of God. And on this point the sweet and forcible language of F. Mason[l] is so applicable that there needs no apology for transcribing it. "The whole fabric of the world," he says, "both the celestial orbs and the globe of elements, are formed and upholden by order. The fixed stars in their motions and revolutions keep a most firm and fixed order. The planets, though compared with the fixed stars they may seem to wander, yet in truth they observe a most certain and never wandering order. The day in opening and closing, the moon in waxing and waning, the sea in ebbing and flowing, have their interchangeable course wherein they continue in unchangeable order. The stork,

[k] 1 Cor. xiv. 40.

[l] F. Mason, Authority of Ch. in making Canons, p. 11.

swallow, turtle, and crane[m] know their appointed times, and the cranes do also fly in order. The locusts have no king, yet go they forth all of them by bands. The bees are little creatures, yet are they great observers of order. Amongst men in peace nothing can flourish, in wars nothing prosper, without order. Order proceedeth from the throne of the Almighty. It is the beauty of nature—the ornament of art—the harmony of the world. Now shall all things be in order, and the Church of God only without order? God forbid. The Church is 'a garden inclosed[n],' and a garden must be in order; 'the house[o] of God,' and God's house should be in order; an 'army[p] with banners,' and an army should be marched in order."

[m] Jer. viii 7. & see Cic. de Nat. Deor.

[n] Cant. iv. 12.

[o] 1 Tim. iii. 15.

[p] Cant. vi. 4.

XII. Their disuse the cause of lamentable effects.

It is for want of such order that in these our days heavy troubles have afflicted our Church. Grievous scandals, divisions, and losses have thence arisen. We have ourselves witnessed the lamentable effects. Is it to be wondered at if we fear (should this want of order continue to prevail) lest worse should follow? In the case of many their hands have hung down, their knees have waxed feeble, their hearts have failed for fear, while they have beheld their spiritual mother "wailing[q] and wringing her hands to see such distractions within her own bounds." For some once warm and dutiful hearts have here proved cold and disobedient; some of her sons of brightest intellect have shewn themselves unfaithful. Would this have been, had all things within the household been set in order, as by faithful servants watching for the sound of their returning Master's footfall?

[q] F. Mason, ut sup. p. 67.

In the case of those who abide stedfast and dutiful, sorrow has "filled[r] their hearts" on account of "these things," for they are bright and sharp weapons made ready to the hands of our enemies. These scandals are published abroad; and while we in silence lament, as David weeping "over Saul[s] and over Jonathan his son," that "the beauty[t] of Israel" is dimmed and "the mighty[u] fallen," our deepest wounds are proclaimed abroad—told "in Gath[v]," and published "in the streets of Askelon;" so that our enemies revile us all the day long, "the daughters[w] of the Philistines rejoice," and "the daughters of the uncircumcised triumph." Such as have evil

[r] S. John xvi. 6.

[s] 2 Sam. i. 17.

[t] Ibid. 19.

[u] Ibid.

[v] Ibid. 20.

[w] Ibid.

will at Zion have not failed to hope that their cry, "Down with it, down with it even to the ground!" would be speedily and surely realized. Meanwhile the godly have mourned, fed with the bread of tears; and moved with sad wonder that the Lord's vineyard should be so rudely despoiled. But while, in dutiful resignation to God's will, they have asked with timid inquiry, "Why[x] hast thou broken down her hedge, that all they that go by pluck off her grapes?" they still have been fain to add this hopeful prayer, "Turn thee[y] again, thou God of hosts: look down from heaven, behold, and visit this vine." While tearfully bearing about these heavy burdens they have ever remembered the Psalmist's assurance, "He[z] that now goeth on his way weeping, and beareth forth good seed, shall doubtless come again with joy, and bring his sheaves with him." And they still look forward with increasing confidence to that period when such trials shall have passed away; when the Church of God in this land shall have recovered in all fulness her apostolic order; when peace shall have been restored within her borders; and when the grateful language of God's ransomed people of old shall again be heard upon the lips of her faithful sons, "Then[a] was our mouth filled with laughter, and our tongue with joy."

[x] Ps. lxxx. 12.

[y] Ps. lxxx. 14.

[z] Ps. cxxvi. 7.

[a] Ps. cxxvi. 2.

CHAPTER IV.

NATIONAL SYNODS.

SUMMARY.

I. National synods the consequence of national territorial divisions. II. Peculiar circumstances attaching in this respect to England. III. National synods held in England previously to the Conquest. IV. National synods held in England subsequently to the Conquest—1. Some of these legatine. 2. But most of them held under the authority of the Archbishops of Canterbury as heads of the national Church. V. Form of holding a national synod in England. VI. Four different courses have been pursued in England for securing the authority of a national synod:—1. By uniting the two provincial synods. 2. By transacting the same business simultaneously in the two provinces. 3. By discussing the business first in the Synod of Canterbury, and then sending drafts of the proceedings for the sanction of the Synod of York. 4. By admitting proxies from the Synod of York to that of Canterbury. VII. The question of the mode hereafter to be adopted for the same purpose a proper subject for grave consideration. VIII. The subject of œcumenical synods not within the scope of the present inquiry.

Εἰδότες οὔτε φιλίαν ἰδιώταις βέβαιον γιγνομένην, οὔτε κοινωνίαν πόλεσιν ἐς οὐδέν, εἰ μὴ μετ' ἀρετῆς δοκούσης ἐς ἀλλήλους γίγνοιντο, καὶ τἆλλα ὁμοιότροποι εἶεν, ἐν γὰρ τῷ διαλλάσσοντι τῆς γνώμης, καὶ αἱ διαφοραὶ τῶν ἔργων καθίστανται.—THUCYD. lib. iii. c. 10.

"Sed omnes omnium caritates patria una complexa est."—CIC. *de Off.* lib. i. c. 17.

1. National synods the consequence of national territorial divisions.

FROM the great political changes consequent upon the separation of the Roman empire into eastern and western divisions, and from the dismemberment of the latter portion of it which speedily ensued, great alterations passed upon the state of those parts of the world in which Christianity was early planted. New combinations of society arose, and the inhabitants of separate countries[a] formed themselves into separate and independent

[a] Kennett's Eccl. Syn. p. 199.

governments. Similarity of language, ties of kindred, identity of interest, the natural boundaries of mountains, rivers, or seas, were all and each of them causes which tended to unite the inhabitants of some districts in bonds of national intercourse, and to separate them from the inhabitants of other districts, with whom no such reasons for intimate union existed. Hence that vast empire whose Cæsars had swayed the destinies of the civilized world, and whose eagles had carried their terrors from the Caspian[1] to the Atlantic, from Numidia[2] to the north of Britain, was resolved by degrees into independent governments, each ruled by its own laws, adapted to its peculiar position and circumstances, and each owning no other political jurisdiction than such as arose within itself, and was established for the common good, and for the maintenance of internal peace.

And as in every such kingdom or nation the power of making and enforcing its own civil laws was exercised within national limits, subject of course to those broad principles of right and justice which are of universal obligation, and are generally acknowledged among mankind; so also within the same boundaries the power of making ecclesiastical laws, of equal extent with the limits of the body politic, was wont to be asserted in national Churches, subject of course in like manner to the general teaching of the Church Catholic, and confined within such terms of truth as were generally received among Christian men.

In the prosecution of this subject we have seen that in the earliest ecclesiastical assemblies—the *diocesan synods* of the primitive age—each bishop with his associated presbyters exercised all ecclesiastical discipline whatsoever; this diocesan power extending to the framing[b] of liturgies, and the enacting of canons, to be observed within the limits of its jurisdiction. We have seen that such power was in course of time transferred to *provincial synods*, in which several dioceses were represented, and in which by consequence a power of larger extent was exercised. And so in like manner, after the division of the empire into separate nations, this power was again in

[b] Bingham, Eccl. Ant. book xvi. c. 1, sec. 13.

[1] By Pompey's victories over kings of Armenia and Pontus.

[2] "..... victorum nepotes
Retulit inferias Jugurthæ."—Hor. Od. ii. 1. 28.

some instances still further extended, being confided to larger assemblies—*national synods*—in which several provinces were embraced, and in which the representatives of the whole Church, existing within the limits of the body politic, united to deliberate, and combined to give weight to such canons as were there enacted. "And though[c] within this body politic the single bishops might have synodical meetings in each diocese, and the several metropolitans might convene synods within their larger jurisdiction, yet for the more general interest of the whole nation . . . . the archbishops and their distinct suffragans might all join in a more comprehensive assembly to be then called *a national synod*."

[c] Kennett's Eccl. Syn. 199.

In proof of this assertion we have the fact recorded that upon the occasion of Spain and Gallia Narbonensis being united into one distinct kingdom this decree was made. "That[d] as there was but one faith, so there should be but one liturgy or order of divine service throughout *the whole kingdom*." Again, in the fourth Council of Toledo, a canon on this subject of uniformity in the national Church was made. As the ancient canons had decreed[e] that each province should observe the same mode of chanting and administering divine offices, so in this council it was decreed that "the same order of prayer[f] and chanting should be maintained throughout all Spain and Gaul—the same order in the administration of the communion—the same order in the morning and evening offices—so that among us who are united in one faith and *one*[3] *kingdom* no diversity of ecclesiastical usage may prevail."

[d] Bingham, Eccl. Ant. book xvi. c. 1, sec. 13.

[e] Bingham, Eccl. Ant. book xvi. c. 1, sec. 13.

[f] IV. Conc. Toled. can. 2.

Thus as nations of Christians became subject respectively to the same political head, "and national[g] Churches arose from that distinction," it followed as a natural consequence that national uniformity should supersede provincial uniformity, and that the limits of ecclesiastical jurisdiction should be enlarged, so as to become co-extensive with those of the bodies politic. It was highly convenient, as it was very natural that those who traced their origin to the same source, who were united not only by ties of kindred, similarity of language, and identity of interests, but who lived under the same poli-

[g] Bingham, Eccl. Ant. book xvi. c. 1, sec. 13.

[3] "Nec diversa sit ultra in nobis ecclesiastica consuetudo, qui in una fide continemur et *regno*."—IV. Conc. Toled. can. 2.

tical head, enjoyed the same civil privileges, and acknowledged the same civil obligations, should also unite in one uniform mode of religious observance, and join in common acceptance of the same code of ecclesiastical discipline. It was reasonably to be expected that in each nation "the multitude[h] of them that believed" should, with one heart and one soul, seek to be blended in the same spiritual polity, to enjoy in closer communion the same heavenly blessings, and to render in common a holy obedience to the same rules of Christian behaviour. To secure these advantages certain provinces contained within *national* limits were in process of time united more closely than before "in rituals[i] and circumstantials of divine worship, as well as faith and substantials; and from that time this also became a necessary part of the union of national Churches, in which all the bishops voluntarily combining, no one could depart from that unity, without incurring the guilt of an unnecessary breach of that union, which was so convenient for cementing the several members of a national Church into one communion."

[h] Acts iv. 32.

[i] Bingham, Ant. book xvi. c. 1, sec. 13.

II. Peculiar circumstances attaching in this respect to England.

From the insular position of our native land the peculiarities of nationality, as might be expected, have attached in an eminent degree to our Church. One abiding peculiarity indeed may be traced through many ages; this peculiarity is, that *ecclesiastical* and *temporal* laws have been very frequently made on the same occasions, and at the same places. Not indeed that they were made by the same persons—not that the law divine was generally debated in lay assemblies—but the clergy of England having been originally admitted as constituent members of the "great civil councils" of the nation, and having through a long space of time enjoyed that right, they always met together at stated periods, with the king and the other members of the legislature, to enact the *temporal* laws. And when thus assembled, the clergy took those opportunities of settling *by themselves* questions of an *ecclesiastical* character, frequently, as was said, on the same occasions, and at the same places. Having retired apart, they agreed on such rules as seemed good for the Church, and then presenting the results of their deliberations (binding *in foro conscientiæ* by virtue of their inherent authority) to the great council of the nation,

that assembly usually added such civil sanctions as made them to be binding *in foro civili;* in other words, to become the law of the land. The "great councils" in the Anglo-Saxon times consisted[4] of the king, the archbishops, bishops, abbots, and others of the clergy, "and[j] of the wise men, great men, aldermen . . . . that is to say, of the chief of the laity, indifferently called in those times by any or all these last-mentioned names. In these assemblies they deliberated both of civil and ecclesiastical affairs, and made laws with the prince's consent and concurrence for the ordering of both. . . . The bishops and clergy advised apart in matters purely spiritual; but the great men debated together with them in civil and mixed affairs, and in which the interest of the state was concerned as well as that of the Church." Thus Athelstan, when "he published his *ecclesiastical*[k] laws, tells us that he did it with the counsel of his *bishops*, but when he came to his *other constitutions* we find, from their subscription, that his *nobles* as well as *bishops* were present, and that *both* assisted at the making of them."

In the English national Church, while bishops have held their diocesan, and metropolitans their provincial synods; yet still more august assemblies have frequently been convened—*national synods*—of larger jurisdiction and of wider influence than either of the former. Sometimes indeed a pure ecclesiastical "national synod," as in the case of the Synod of Hertford[l], A.D. 673; of Hatfield[m], A.D. 680; and of Twiford[n], A.D. 685, was called together independently of any civil assembly; while both ecclesiastical synods and secular councils were held at the same times—Christmas, Easter, and Whitsuntide—and at the same places. Thus amid the very foundations of the English Church and commonwealth we find precedents for our convocations meeting "acourse with our parliaments." It is clear, indeed, that during the early ages of our history, and down to the year 1534, when the Submission Act[o] was passed, our metropolitans could call together their synods when they pleased, independently of any meetings of the civil legislature, nor will any defence here be set up for the restrictions imposed upon them in this

j Wake's Auth. of Christian Princes, p. 161.

k Ibid. p. 162.

l Spelm. Conc. i. 152.
m Spelm. Conc. i. 168.
n Conc. Mag. Brit. i. 55.

o 25 Hen. VIII. c. 19.

[4] For the precise constitution of the Wittena-gemotes, see below, chapter vii. sec. 2, § 2.

respect by that act. But over and above those occasions, when synods were convened as need required by ecclesiastical authority, they appear also to have been generally held whenever the temporal legislature assembled; and should any change in this respect be hereafter attempted, it will be an aggression against that part of our present constitution, in defence of which an appeal may be made to precedents spreading over 1390 years, *i.e.* as far back as to the mixed Council of Snowdon[p], A.D. 465, when the Britons "and *the clergy of the kingdom*" being called[q] together, Aurelius was made our king in the place of Vortigern.

[p] Spelm. Conc. i. 60.
[q] Vid. post. c. v. sec. 9.

III. National synods held in England previously to the Conquest.

During those ages of our history which elapsed before the Norman Conquest, many reasons existed to limit the number of the national synods which were held in this country. Some instances, however, are given below, but it must be observed, that no assemblies are there mentioned but such as were pure *national synods*[s]. Many assemblies indeed of a national character were held during the period in question, where both ecclesiastical and civil business was transacted, the clergy separating[r] from the laity when the law spiritual came into question; but these, as not exactly applicable to our present purpose, are omitted; and though this list may appear but small considering the space of time over which the events here recorded spread, yet it may be observed that during that period the foreign invasions and intestine commotions, which divided this country, forbid us to give to a larger proportion of its synods the designation of "*national.*"

[r] Kennett's Eccl. Syn. p. 249.

[s] NATIONAL SYNODS HELD IN ENGLAND BEFORE THE CONQUEST.

Place.	Date. A.D.		Reference.
Whitby.....	664	.....	Spelm. Conc. i. 145—150. Conc. Mag. Brit. i. 37, note.
Hertford	673	.....	Spelm. Conc. i. 152.
Hatfield	680	.....	Ibid. i. 168.
Twiford by river Alne	685	.....	Conc. Mag. Brit. i. 55.
Osterfield.....	701	.....	Spelm. Conc. i. 200.
Uncertain	756	.....	Ibid. i. 289.
Uncertain	969	.....	Spelm. Conc. i. 479. Conc. Mag. Brit. i. 248 ad im.
Uncertain	1041	.....	Spelm. Conc. i. 570, and note, i. 534.

IV. National synods in England subsequently to the Conquest.

After the Conquest a more clearly defined line of demarcation between our ecclesiastical and civil assemblies began to appear, K. William I. having separated[s] the court of the bishop from that of the earl or alderman; for they had previously sat together as executive authorities in the dispensation of justice. It followed as a consequence little surprising, that in the legislative department also a more marked difference between the "ecclesiastical" and the "mixed councils" (or "great councils," as the latter were then called) began to arise, and by degrees prevailed; for though the clergy[t], *i. e.* archbishops, bishops, abbots, and priors, *at least* (for *Ecclesiæ*[u] *rectores* are once mentioned as summoned to a great council in 1299) were still constituent members of the "great civil councils," yet, as was said, a more defined line was drawn, and continued to prevail between spiritual and civil assemblies; "ecclesiastical synods" being now more often held at times and places distinct from the "great councils." Hence "national synods[6]" became

[s] Conc. Mag. Brit. vol. i. p. 368.

[t] Conc. Mag. Brit. vol. i. p. 435.
[u] Conc. Mag. Brit. vol. i. p. 629.

[6] NATIONAL SYNODS HELD IN ENGLAND AFTER THE CONQUEST.

Place.	Date. A.D.	Reference.
Windsor	1072	Conc. Mag. Brit. vol. i. p. 324.
Winchester	1075	Ibid. vol. i. p. 369.
London	1075	Ibid. „ 363.
Winchester	1076	Ibid. „ 365—369.
Gloucester	1085	Ibid. „ 368, 369.
Gloucester	Uncertain	Ibid. „ 369.
Lambeth	1100	Ibid. „ 375.
Westminster	1102	Ibid. „ 382, 383.
Westminster	1126	Ibid. „ 408, and Wake's Authority, p. 7.
Westminster	1127	Conc. Mag. Brit. vol. i. p. 410.
London	1129	Ibid. vol. i. p. 411.
Westminster	1138	Ibid. „ 414.
Winchester	1139	Ibid. „ 419.
Winchester	1142	Ibid. „ 420.
Winchester	1143	Ibid. „ 422.
London	1151	Ibid. „ 424.
Westminster	1176	Ibid. „ 485.
Uncertain	1183	Ibid. „ 488.
Windsor	1184	Ibid. „ 488.
Ensham	1186	Ibid. „ 490.
Pipewell, Northamptonshire	1189	Ibid. „ 492, and Hody, 252.
S. Alban's	1206	Conc. Mag. Brit. vol. i. p. 514.

[London

more frequent and were held as specified below. Traces indeed of others may be found, but those assemblies only are here included, which appear to fall unmistakably under that designation. This statement, however, is made with a reserve in one instance; for the last assembly given below was really a pretended national synod, since the convening of it under papal authority, after the jurisdiction of the Pope had been discharged by the synodical decisions of the Church of England, must be held to have been an act of very unjust usurpation.

1. Some of these legatine.

Now some of these national synods were convened under legatine authority; that is, by such an authority as was boldly assumed and too readily granted, even sometimes to foreigners claiming jurisdiction here under the titles of "legates a latere" from the Pope. Such synods have been commonly denominated "legatine synods." Those in the list below which deserve such a designation are specified in the note hereafter, with the names of the

NATIONAL SYNODS HELD IN ENGLAND AFTER THE CONQUEST.

Place.	Date. A.D.	Reference.
London	1237	Conc. Mag. Brit. vol. i. p. 647, and Coll. Eccl. Hist. vol. ii. p. 478.
London	1238	Conc. Mag. Brit. vol. i. p. 663.
London	1239	Ibid. vol. i. p. 663.
London	1240	Ibid. ,, 681.
Oxford	1241	Ibid. ,, 682.
London	1255	Ibid. ,, 709.
London	1255	Ibid. ,, 711.
Merton*	1258	Ibid. ,, 736.
London†	1268	Ibid. vol. ii. 1.
London	1291	Ibid. ,, 180.
Westminster	1294	Ibid. ,, 201.
London	1312	Ibid. ,, 421.
London	1408	Ibid. vol. iii. 306.
Westminster Abbey	1523	Ibid. ,, 700.
Records of the place lost	1537	Wake's State, p. 584, and Subscriptions; Conc. Mag. Brit. vol. iii. p. 831.
Chapter-house, Westminster.	1540	Conc. Mag. Brit. vol. iii. p. 851.
King's Chapel, Westminster.	1555	Ibid. vol. iv. p. 131.

* To prove that the Synod of Merton was national, see Conc. Mag. Brit. i. 736 ad im.; and 740 ad fin. conc.

† "The prelates of Scotland and Ireland were present at this synod."—Matt. Par. apud Coll. Eccl. Hist. ii. 562.

legates attached. Yet, though these last-mentioned national synods were convened and held here under legatine authority, the spirit of the English Church and of her prelates was frequently roused to indignant[v] remonstrance against such assumptions[7]. It might perhaps have proved more tolerable had this legatine power been always claimed and exercised by archbishops or bishops of the English Church; but that such authority should be challenged here by strangers and foreigners was apt to be deemed an assumption somewhat surprising, and was continually resented in language extremely[w] rough. Of this we shall trace some examples hereafter as the subject[x] is pursued; for the practice of sending over foreigners to this country, with the flourish of a pall as a badge of authority, was always most unpalatable to the English Church, as also was that subtle policy of placing them in the English sees, a policy which prevailed after the Norman Conquest, and subsequently to the deposition of Stigand the last Anglo-Saxon archbishop, and the intrusion of Lanfranc into his place. And they were such aggressions, often but too ineffectually resisted, which mainly tended to subject this national Church to the usurpations of the Vatican.

[v] See chap. ix. postea.

[w] Conc. Mag. Brit. vol. i. pp. 647. 709, 710.

[x] See chap. ix. postea.

[7] LEGATINE SYNODS HELD IN ENGLAND AFTER THE CONQUEST.

Place.	Date. A. D.	Legate.	Reference.
Windsor	1072	Hubert, the Papal legate, subscribes before the two English Archbishops	Conc. Mag. Brit. vol. i. p. 324.
Westminster .	1126	John de Crema	Ibid. p. 408.
Westminster .	1138	Alberic.....	Ibid. 414.
Winchester ..	1142	Henry, bishop of Winton	Ibid. 420.
Winchester ..	1143	Henry, bishop of Winton	Ibid. 422.
Westminster .	1176	Hugo	Ibid. 485.
London	1237	Otho	Ibid. 647.
London	1238	Otho	Ibid. 663.
London	1239	Otho	Ibid. 663.
London	1240	.....	Ibid. 681.
London	1255	Rustand	Ibid. 709.
London	1255	Rustand	Ibid. 711.
London	1268	Othobon	Ibid. vol. ii. p. 1.
London	1312	The two Arnalds.....	Ibid. p. 421.
London	1408	Francis, bishop of Bordeaux	Ib. vol. iii. p. 306.
Westminster Abbey ..	1523	Thomas Wolsey, archbishop of York.....	Ibid. p. 700.
King's Chapl Westminster	1555	Reginald Pole.....	Ib. vol. iv. p. 131.

2. But most of them held under the Archbishops of Canterbury, or their representatives, as heads of the national Church.

Now all the national synods which are specified in the former of the two foregoing lists, and which are not inserted in the latter, it is satisfactory to contemplate as having been called together by an authority inherent in the national Church; for whatever flourishes of legatine exaltation may have been appended to the names of our own archbishops, still they assuredly needed no such extraneous aid for the performance of their proper functions. Such national synods therefore as we are now contemplating, the Archbishop[y] of Canterbury convened and presided over, in accordance with those rights which appertain to his high office and his ancient prerogative. That the authority should belong to him of convening "national synods" and presiding in them, was made plain by the Council of Windsor in 1072, and it has been frequently confirmed on subsequent occasions. In that council it was settled, when the boundaries of the provinces of Canterbury and York were recited, "that[8] if the Archbishop of Canterbury desired to convene a synod, wherever that might be, the Archbishop of York, with all those who were subject to him, should present themselves and yield obedience to all canonical commands." This canon was subscribed by the king and queen, by the Archbishops of Canterbury and York, by thirteen bishops, and many other persons; it received, moreover, the signature of the Pope's legate, so that the jurisdiction here attributed to the Archbishops of Canterbury could not with any reason be denied subsequently at Rome, even though no titular flourish was thence vouchsafed to them, at least not during those years in which Rome herself acknowledged the orthodoxy of the English Church.

[y] Conc. Mag. Brit. vol. i. p. 325. & vol. iv. Appendix, p. 786.

V. Form of holding a national synod in England.

It may not be out of place here to give, in a concise form, some of the records which can be traced in various documents respecting the constituent members of our "national synods," and the manner of convening and holding them. It is possible that in God's good time such an assembly may be again

[8] "Ita ut si Cantuarensis Archiepiscopus concilium cogere voluerit, ubicumque ei visum fuerit, Eboracensis Arch. sui præsentiam cum omnibus sibi subjectis, ad nutum ejus exhibeat, et ejus canonicis dispositionibus obediens existat."—Conc. Mag. Brit. i. 325. Vid. quoque Conc. Mag. Brit. iv. Appendix, 786. Vid. quoque Conc. Mag. Brit. i. 391. 493. 504.

called together, and in that case ancient precedents may afford examples suitable at the least for partial imitation.

As was before remarked, the authority for convening a national synod at his pleasure was given to the Archbishop of Canterbury at the Council of Windsor[z], A.D. 1072, and confirmed in subsequent synods[9]. The constituent members of such an assembly were the members of the provincial[a] Synods of Canterbury[b] and York united into one body. When a national synod was to be held, the members proceeded to the place of meeting[c] in solemn procession, the litany meanwhile being chanted. On arriving at the church where the assembly was to meet, and where previous preparations were sometimes made by providing seats rising in the form[d] of steps from the ground, the members took their places in well-defined order. The Archbishop of Canterbury, as president, occupied the chief seat[e]. On his right was placed the Archbishop of York, on his left the Bishop of London. Next the Archbishop of York sat the Bishop of Winchester. But if the Archbishop of York was absent, then the Bishop of London sat on the right of the Archbishop of Canterbury, and the Bishop of Winchester on his left. After these prelates had taken their places, the other bishops seated themselves according to the dates of their respective ordinations[1]. These rules of precedence were settled at the national Synod of London[f] in 1075, where the matter was discussed and decided in accordance with the tenor of some ancient canons of Toledo, Milevis, and Bracara, and after consultation with some aged[g] and experienced men, who could remember the ancient practice of the Anglo-Saxon Church. As soon as all had been arranged in their respective places, and silence had been obtained, the gospel "I am[h] the good Shepherd" was read. Some proper collects were then offered up, and the hymn "Veni Creator" was sung. Next followed[i] the sermon, upon the conclusion of which the archbishop[j] explained the causes for which the synod was convened, the necessary forms of business were introduced by the official persons, and the matters thus brought forward were discussed by the whole[k] assembly. There was, however, one proviso in early times on

[z] Conc. Mag. Brit. vol. i. p. 325.

[a] Vid. Card. Poli Monitio ad Synodum. Conc. Mag. Brit. iv. 131.

[b] Citatio Concilii. Conc. Mag. Brit. iii. 701. & Conc. Lond. ibid. i. 363.

[c] Conc. Mag. Brit. i. 648.

[d] Conc. Mag. Brit. i. 648.

[e] Conc. Mag. Brit. i. 363.

[f] Conc. Mag. Brit. i. 363.

[g] Conc. Mag. Brit. i. 363.

[h] Conc. Mag. Brit. i. 648.

[i] Conc. Mag. Brit. i. 649.

[j] Conc. Mag. Brit. iii. 851.

[k] Conc. Mag. Brit. iii. 851.

[9] Vid. Conc. Mag. Brit. i. 391. 493; and iv. Appendix, 786.

[1] "Ordinations;" *quære*, "consecrations?"

this head, viz. that all, save bishops and abbots, were required to obtain leave from the archbishop before they addressed the synod. After due discussion and deliberation the opinions of the members were publicly[l] taken, and the decisions arrived at were reduced to writing, signed and sealed by the archbishops[m], and signed by the other members of the assembly.

It also appears, when a national synod lasted for several days, that a more solemn conclusion than a mere dispersion of the members has taken place. On one occasion at least upon record, the communion[n] on the last day was administered in the presence of a vast concourse of people, and prayers were offered up, after which one deputed to the office ascended the pulpit, and in the delivery of a Latin address declared[o], among other things, the dissolution of the assembly.

[l] Conc. Mag. Brit. iii. 852.

[m] Conc. Mag. Brit. iii. 853—855.

[n] Conc. Mag. Brit. iv. 132.

[o] Conc. Mag. Brit. iv. 132.

VI. Four different courses have been pursued in England for securing the authority of a national synod.

When the intervention of the authority of a national synod has been needed, that is, in those cases where it has seemed necessary to exert jurisdiction more extensive than would justly attach to a provincial synod, four different courses have at various times been pursued in England.

1. By uniting the two provincial synods.

The first course has been to unite the members of the two provincial synods into one such assembly as has been above described, thus forming an august body properly representing the Church of England, and so rightly deserving the name of a national synod. This course was adopted on the occasions of the meeting of many of those national synods detailed in the preceding lists.

2. By transacting the same business simultaneously in the two provinces.

The second course has been to hold the two provincial synods simultaneously, though separately, each in its usual place, for deliberation on the same business. This plan was pursued when the provincial Synods of Canterbury and York were held concurrently, and upon the same business, the one at Lambeth[p] and the other at Beverley, A.D. 1261.

[p] Conc. Mag. Brit. i. 755 & 746.

3. By discussing the business first in the Synod of Canterbury, and then sending drafts of the proceedings for the sanction of the Synod of York.

The third course has been to discuss and transact the requisite business first in the provincial Synod of Canterbury, and to send afterwards to the provincial Synod of York drafts of the proceedings, which having been there ratified, thus obtained synodical authority throughout England.

This course of proceeding was adopted in reference to that code of discipline known as the Canons of 1603-4, and now standing in an anomalous position from the ill-arranged relations between the civil and ecclesiastical courts of this nation. Those Canons were first debated and ratified in the provincial Synod of Canterbury, begun[q] at S. Paul's, London, on the 20th of March, 1603-4, and thence continued by divers prorogations to the 4th of October[r], 1605. They were afterwards[s] sent down to the York provincial Synod for approval and ratification: and it was there decreed that "all[t] and singular the said constitutions and canons ecclesiastical, and the contents of them and every of them, be for ever hereafter of full power, force, and authority within the province of York[2]."

[q] Conc. Mag. Brit. iv. 378.
[r] Conc. Mag. Brit. iv. 379.
[s] Wake's State, Append. p. 237, No. clvii.
[t] Ibid. Append. p. 240.

4. By admitting proxies from the Synod of York to that of Canterbury.

The fourth course has been to admit proxies, elected by the Synod of York, into that of Canterbury, charged with power to assent to or dissent from such propositions as might be there entertained. This mode of proceeding was pursued, in reference to the establishment of our Book of Common Prayer, in 1661. The provincial Synod of Canterbury[u] met on the 8th of May at S. Paul's. On the 21st of November[v] the question of a revision of the Prayer Book was entered upon; and immediately afterwards the Archbishop of York, who was in London, sent to the prolocutor of the province of York, and the rest of the clergy of that provincial[w] synod, desiring them to appoint proxies to act on their behalf in the Synod of Canterbury. On the 30th of that month the required proxies were appointed, being empowered[x] to assent to or reject what should be proposed. Happily all was harmoniously arranged, for on the 20th day of December following "the[y] Book of Common Prayer and administration of the sacrament andof the other rites of the English Church, together with the form and manner of ordaining and consecrating bishops, priests, and deacons," received the assent and con-

[u] Conc. Mag. Brit. iv. 565. Syn. Ang. pt. ii. p. 60.
[v] Syn. Ang. pt. ii. p. 84.
[w] Conc. Mag. Brit. iv. 568.
[x] Conc. Mag. Brit. iv.
[y] Conc. Mag. Brit. iv. 566. Syn. Ang. pt. ii. p. 95.

[2] All this notwithstanding, the highest authority in the English Church stated on Friday, July 11, 1851, in the House of Lords, that "*the Canons of* 1603 *were never submitted to the province of York.*" This statement has been somewhat surprisingly omitted in Hansard.

sent, the approbation and subscription of the whole sacred synod.

This is a precedent of grave importance, and well worth attentive consideration. It might suggest a useful example for future imitation. And it is to be observed that on this occasion we find the Archbishop of York, and *at least*[3] two of his suffragans, together with three proctors deputed from the provincial Synod of York, all appearing in the Convocation of Canterbury, and there uniting to give that assembly at least the authority, if not the appearance, of a "national synod."

VII. The question of the mode hereafter to be adopted for the same purpose a proper subject for grave consideration.

Such are the four methods which have been employed in our country to give national authority to the deliberations and acts of her synods. The august and imposing character of the "national[4] synod" which would be assembled by acting in conformity with the *first* method above mentioned, might be reasonably pleaded in favour of pursuing such a course. But, on the other hand, it cannot fail to occur to every one that grave difficulties would accompany it—arising from the distances which separate the representatives of the two provinces, from the nature of those duties which renders any lengthened absence from their respective spheres undesirable, and also from the inconvenience attending on the assemblage of so large a body of persons at the same time and place.

Against the *second* and *third* modes of proceeding no objections of an equal character exist. But although a simultaneous meeting of the two synods in their respective provinces to discuss business, or the sending from one province to the other drafts for ratification, might secure a national authority to their common proceedings, yet by pursuing either of these courses it is probable that delays would occur, and that such impediments to wholesome management

[3] "At least." The Bishop of Chester had been engaged in this business, for he signed the letter desiring the York Convocation to send up proxies. His subscription, however, and that of Bridgman, dean of Chester, one of those proxies, do not appear at the foot of the acts of the synod.

[4] For the power of the Archbishop of Canterbury to call together such a synod, see Conc. Mag. Brit. i. 325; iv. Appendix, 786.

would arise, as might entail consequences of great inconvenience.

To the *fourth mode* of proceeding, that of receiving into the convocation of the chief province representatives from another province, charged with full power to act for the synod by which they are deputed, none of the foregoing objections, at any rate in like degree, seem to attach.

It would, indeed, be the height of presumption in an individual to give any decided opinions upon matters of so great delicacy and such deep importance. But since the insufficiency of one provincial synod to legislate for the whole national Church has been frequently and somewhat unnecessarily urged (for no one doubted the fact), it is perhaps not presumptuous to suggest that these four modes of procedure deserve careful consideration not only on the part of the provincial synods of England, but also on the part of the Irish convocation, and of the ecclesiastical rulers of our colonial Church. One of these modes might suggest an example useful for future imitation. And it is surely not an expectation too unreasonable to express, that the deliberations of those grave and learned authorities would arrive at such practical conclusions on this subject, as would best tend to secure the integrity, and maintain the just authority, of the national Church of this great empire.

VIII. The subject of œcumenical synods not within the scope of the present inquiry.

A brief but general survey has now been taken of the nature and constitution of *diocesan*, *provincial*, and *national* synods. The vast and important subject of *œcumenical* synods does not fall within the scope of our present inquiry. Entirely leaving therefore that wide field for research, as not fruitful for our present purpose, attention will now be turned to the councils of our own native land, to which this inquiry will henceforth be exclusively confined.

For the sake of distinctness, and also in order to trace, through the several stages of our history, the successive changes by which the earliest ecclesiastical councils of Britain have become what they now are, pure provincial synods with very important powers annexed, or, as we call them, "convocations of the clergy," it may be useful to divide the subject

into defined periods. These periods will be exactly observed, one chapter being devoted to each.

" . . . . . loco [z] ut dispôsta decenti
Omnia sint opere in toto, nec meta laborum
Usquam dissideat ingressibus ultima primis."

[z] Vida, Poëm. lib. 2, 53—55.

And this plan may perhaps lighten the labour of the reader, if any such there should ever be.

CHAPTER V.

BRITISH SYNODS AND COUNCILS

FROM THE PLANTING OF CHRISTIANITY IN BRITAIN TO THE ACCESSION OF ARCHBISHOP AUGUSTINE, A.D. 39—601.

SUMMARY.

I. Specification of terms used in the following inquiry—1. National synod. 2. Provincial synod. 3. Diocesan synod. 4. Mixed council. 5. Wittenagemote. II. British Church of Eastern origin. III. Early persecutions of the British Church. IV. Accounts of early British councils scanty. V. Manner of holding them. VI. All here detailed. VII. Synod of S. Alban's. VIII. A mixed council. IX. Mixed Council of Snowdon. X. Mixed Council of Stonehenge. XI. A mixed council. XII. Mixed Council of Llandewy Brevi. XIII. Provincial Synod of Victory. XIV. Diocesan Synod of Llandaff. XV. Mixed Council of Llantwit. XVI. Diocesan Synod "ad Podum Carbani Vallis." XVII. Diocesan Synod of Llandaff. XVIII. Provincial Synod of Augustine's Oak, session 1—1. Its object. 2. Its date. 3. The place of assembly. 4. The persons present. 5. Computation of Easter a subject of controversy, and a proof of the Eastern origin of the British Church. XIX. Provincial Synod of Augustine's Oak, session 2—1. Members present. 2. A digression on the computation of Easter. 3. Other points discussed in this synod. 4. Ill success of Augustine with the British bishops in this synod. XX. Proofs that the clergy were originally members of all councils in England, whether civil or ecclesiastical. XXI. The clergy's counsel and advice now slenderly regarded even in matters spiritual.

Ἄρξομαι δὲ ἀπὸ τῶν προγόνων πρῶτον, δίκαιον γὰρ αὐτοῖς καὶ πρέπον δὲ ἅμα, ἐν τῷ τοιῷδε τὴν τιμὴν ταύτην τῆς μνήμης δίδοσθαι.—THUCYD. lib. ii. c. 36.

"Series longissima rerum
Per tot ducta viros, antiquæ ab origine gentis."
VIRG. *Æn.* i. 641-42.

A. D. 39—601.

I. Specification of terms used in the following inquiry.

CONFINING henceforward our attention exclusively to the councils held in our own country, those which first come under notice in point of

time are the British assemblies of which records remain. For the sake of affording a ready view of the nature and number of the public assemblies held during the several periods of our history, into which the subject is divided, a tabular list [1] will be prefixed at the beginning of each chapter; and then such remarks will be appended as seem calculated to throw light upon our subject. And here in the outset it is necessary to state the several denominations under which those assemblies will be ranged in the tabular lists, and to specify the meanings of the terms which will be respectively applied to each. It is true

A. D. 39—601.

[1] LIST OF BRITISH SYNODS AND COUNCILS, A.D. 39—601.

Date. A.D.	Place.	Archbishop or Bishop.	King.	Reference.	Nature of Assembly.
446	S. Alban's	.....	.....	Spelm. Conc. i. 47. Conc. M. B. i. 1. Hody, 14	Synod.
449	.....	.....	Vortigern.....	Spelm. Conc. i. 49. Conc. M. B. i. 2. Hody, 14	Mixed Council.
465	Erir, *i. e.* Snowdon	.....	Aurelius Ambrosius, elected	Spelm. Conc. i. 60. Conc. M. B. i. 7. Hody, 15	Mixed Council.
—	Stonehenge	Dubritius, elected to Caerleon-on-Usk	Aurelius Ambrosius, crowned	Spelm. Conc. i. 60, note. Conc. M. B. i. 7, note. Hody, 15	Mixed Council.
516	.....	David, elected to Caerleon-on-Usk	Arthur	Spelm. Conc. i. 61. Conc. M. B. i. 7	Mixed Council.
519	Llandewy Brevi	David	Arthur	Spelm. Conc. i. 61. Conc. M. B. i. 8. Hody, 16	Mixed Council.
529	Victory	David	.....	Conc. M. B. i. 8. Hody, 17. Still. Orig. B. p. 359	Provinc. Synod.
560	Llandaff	Oudoceus.....	Mouric.....	Spelm. Conc. i. 62. Hody, 18. Coll. i. 139	Dioc. Synod.
—	Llantwit	Oudoceus.....	Morcant	Spelm. Conc. i. 63. Coll. i. 139	Mixed Council.
—	Podum Carbani Vallis	Oudoceus.....	Morcant	Spelm. Conc. i. 63. Coll. i. 140. Hody, 18	Dioc. Synod.
597	Llandaff	Oudoceus.....	Morcant	Spelm. Conc. i. 63. Hody, 18. Coll. i. 140. Conc. M. B. i. 18	Dioc. Synod.
601	Augustine's Oak	Metropolitan of Caerleon-on-Usk. Seven British bishops present	Ethelbert, Kent; Ethelfrid, Northumbria; Cadwan, N. Wales; Margaduc, S. Wales	Spelm. Conc. i. 104. Conc. M. B. i. 24. Hody, 18. Coll. i. 175—184	Provinc. Synod.

A.D. 39—601.

that in the accounts of our early public assemblies the words "synod[2]" and "council" have often been used synonymously, so that it is not always possible to determine the nature of a meeting, from the fact of its having had either the one or the other term applied to it. But it is equally true that the most[a] correct writers have made a distinction between those terms, and have employed the word "synod" to signify a pure ecclesiastical assembly, and the word "council" to signify a lay assembly, or a mixed assembly of ecclesiastics and laymen. This distinction, for the sake of clearness, will be henceforward carefully observed, and the various assemblies will be placed under the following denominations.

[a] Kennett's Eccl. Syn. p. 216.

1. National synod. *National synod* will be used to signify a pure ecclesiastical assembly, claiming national jurisdiction, and consisting of the members of the provincial synods of England united into one body.

2. Provincial synod. *Provincial synod* will be used to signify a pure ecclesiastical assembly, composed of the archbishop, bishops, and chosen presbyters of a single province.

3. Diocesan synod. *Diocesan synod* will be used to signify a pure ecclesiastical assembly, composed of the bishop and clergy of a single diocese.

4. Mixed council. *Mixed council* will be used to signify an assembly of clergy and laity united. In such assemblies public matters were generally discussed previously to the Norman Conquest, and ecclesiastical as well as temporal laws were there made. But it must be borne in mind that the ecclesiastics went apart[b] for separate deliberation when the law divine came into question.

[b] Wake's Auth. of Christian Princes, p. 158. Kennett's Eccl. Syn. p. 249. Conc. Mag. Brit. i. 94.

5. Wittena-gemote. *Wittena-gemote* will be used, in accordance with Anglo-Saxon nomenclature, in the same sense as mixed council, whenever it appears on the records that the "wites" or "sapientes," in addition to the "clergy," optimates" and "duces," were constituent members of the assembly.

Our present period extends from the planting of Christianity in Britain, to the accession of Augustine the monk to the see

[2] "Eadmundus Rex congregavit magnam synodum in Londino urbe, sancto Paschatis tempore, cum ex ordinibus ecclesiasticis tum e *secularibus*."—Conc. Mag. Brit. vol. i. p. 294.

of Canterbury; and accounts of the synods and councils specified in the tabular list remain upon record as having been held during that time. A.D. 39—601.

II. British Church of Eastern origin.

There is good evidence[d] to prove that the Church was planted in Britain either by one of the Apostles themselves, or, at any rate, contemporaneously with them. It is clear also that the British Church sprang from an Eastern origin, her mode of determining the season for the celebration[e] of the Easter festival being conclusive on this point. The difference between the method adopted on this head between the Eastern and Western Churches in the earliest ages will be apparent, when we come to consider the questions, of which this was one, discussed at the British provincial Synod of Augustine's Oak, in the year 601.

[d] Stillingfleet, Orig. Brit. pp. 36, 37 et seq.

[e] Soames, Anglo-Sax. Ch. pp. 57, 58.

In our reception of the blessed truths of the Gospel from the East, spreading hither to the extremest bounds[3] of the known Western world[4], the prophetic words of Isaiah found their realization: "So shall[f] they fear the name of the Lord from the west, and his glory from the rising of the sun." In the case of those British converts whose eyes were directed[5] eastward to catch the rising glories of the Sun of righteousness, and who thence first received the glad tidings,—"On earth peace, good will[g] toward men,"—we may trace the fulfilment of this prophecy as regards our native land—"The Lord shall arise upon thee, and his glory[h] shall be seen upon thee; and the Gentiles shall come to thy light, and kings to the brightness of thy rising." The heralds who brought "good[i] tidings of good" from the land of the Saviour's birth, they whose feet "beautiful[j] upon the mountains" came hither on messages of salvation, surely helped to fulfil here the closing words of the prophetic vision:—"From the rising[k] of the sun even to the going down of the same my name shall be great among the Gentiles; and in every place incense shall be offered unto my name, and a pure offering: for my name shall be great among the heathen, saith the Lord of hosts."

[f] lix. 19.

[g] S. Luke ii. 14.

[h] Isa. lx. 2, 3.

[i] Isa. lii. 7.

[j] Isa. lii. 7.

[k] Malachi i. 11.

[3] ἐπὶ τὸ τέρμα τῆς δύσεως.—Coll. Ecc. Hist. i. 10, quoting Clem. Epist. ad Cor

". . . . . in ultimos
Orbis Britannos . . . ."—Hor. Od. lib. i. 35, l. 29, 30.

[4] "Et penitus toto divisos orbe Britannos."—Virg. Ec. i. 67.

[5] πρὸς ἀντολὰς φλογῶπας ἡλιοστιβεῖς.—Æsch. Prom. Vinc. 816.

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As the British Church was derived from an Eastern original, it might be naturally expected that its ecclesiastical assemblies would be framed after the Eastern model, of which the Council of Jerusalem was the type. There the Apostles and elders (as[l] has been shewn above) alone deliberated[m] and decided, but "the whole Church[n]" with united voice ratified the conclusions at which they had arrived. And subsequently all in union commended by their letters[o] the observance among the brethren of the decrees which were enacted. And so in the early history of this country, after the ecclesiastical authorities had defined doctrines and settled matters of discipline, it is common to see the laity uniting with the spiritualty not only to commend such decisions for general observance, but to enforce them by civil sanctions.

[l] See chap. i. sec. 7.
[m] Acts xv. 6.
[n] Acts xv. 22.
[o] Acts xv. 23.

III. Early persecutions of the British Church.

The records, however, of early British synods are but few, for this Church did not escape those persecutions to which Christians in other countries were subject. Indeed the names of some of our early martyrs are handed down, as of[6] Alban[p], Aaron, and Julius. The first was a Roman officer of the town of Verulam, the modern S. Alban's, said to be the first British city which enjoyed Roman civil privileges. The other two were citizens of Caerleon-upon-Usk, where a Roman colony was planted, and which very early became the metropolitical see of the third or western ecclesiastical province of this island[q]. But after Constantine was firmly settled upon the throne of the empire, his first care was, according to Lactantius[r], "to secure full liberty to the Christians." Upon the authority of Bishop Stillingfleet we learn that the following expressions of Gildas and Bede referred to that period of British history: "The Christians rebuilt their churches destroyed to the ground, and therein celebrated their holy sacraments, and kept solemn festivals in memory of so great a deliverance." From this remark respecting the rebuilding of their churches, it is clear not only that persecution had here done its cruel work, but that a Church had previously existed in this island sufficiently prosperous to erect and maintain buildings dedicated to the service of God. The sacrilegious destruction of those sacred edifices probably took place during

[p] Stillingfleet, Orig. Brit. p. 75.
[q] Stillingfleet, Orig. Brit. p. 77.
[r] Quoted by Stillingfleet, Orig. Brit. p. 75.

[6] "Albanum egregium fœcunda Britannia profert."—Fortunatus.

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the persecutions under Dioclesian, the sad effects of which were handed down to memory by that blasphemous inscription discovered in Spain, and commemorating the ruthless acts of the enemies of Christianity—"Superstitione[s] Christi ubique deletâ." From the commencement however of the fourth century we may trace a more flourishing condition of the British Christians; the governors of these provinces before Constantius having persecuted them, but he especially, towards the end of his life, pursued a very different course; and his favour, together with that of his son Constantine[t], caused the British Church to rise speedily to a more prosperous and a more settled state. Of this we are certified by the fact that at the Council of Arles (A.D. 314) three British[u] prelates are recorded as subscribing to the proceedings, viz. Restitutus of London, Eborius of York, and Adelsius, probably[v] of Caerleon-upon-Usk.

[s] Stillingfleet, Orig. Brit. p. 74.

[t] Stillingfleet, Orig. Brit. p. 75.

[u] Stillingfleet, Orig. Brit. p. 76.

[v] Stillingfleet, Orig. Brit. p. 76, and compare p. 78.

IV. Accounts of early British councils scanty.

Besides the persecutions inflicted on the early Church of Britain, other circumstances also combine to render the accounts of all the early public assemblies held here but scanty. The possession of our island by the pagan Romans during the first centuries of Christianity—after their departure, the ravages of the Picts and Scots—and then the barbarous cruelties of the Saxons, called in as friends, but proving themselves most bitter enemies to those who invited them hither—these were the causes in succession which must have prevented councils, whether ecclesiastical or civil, from being frequently held during that earlier part of our history, or, at any rate, prevailed to forbid the records of them from being handed down to posterity. The annals indeed of such assemblies, even if they were of frequent occurrence, could hardly have escaped the general havoc which was made by the Saxon invaders. For the obligation of engagements being broken through, those who were called in as neighbours to assist, sent hither their hosts across the German Ocean to destroy; their arms were turned against us, and an impious war devastated the whole land.

"[vv] . . movet . . . Germania bellum:
Vicinæ ruptis inter se legibus urbes
Arma ferunt: sævit toto Mars impius orbe."

[vv] Virg. Georg. i. 509-11.

"That fierce and barbarous[w] people, intoxicated with pagan superstition, burnt the monasteries and churches, plundered

[w] Spelman, Conc. i. 47.

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the sacred deposits of the Christians, and killed or banished God's ministers;" until at last those who stood in the forefront of the Christian warfare, Theonas, metropolitan of London, and Thadiocus, metropolitan of York, finding their churches levelled with the ground, and their flocks scattered among deserts and forests, were compelled to take refuge in Wales. Thither the invaders had been unable to penetrate, and there the third metropolitan of Britain, the Bishop of Caerleon-upon-Usk, still ruled within the boundaries of his province that remnant of the native Church which survived to testify to the truth of God: the flight of the two metropolitans first mentioned from their respective sees of London and York having taken place about 586, *i.e.* ten years before the arrival of Augustine the monk in England. In consequence of the invasions of this country, and of the persecutions to which reference has been made, it cannot be a matter of wonder that the records of such public assemblies as were held in those ages should be but few, and that the information handed down respecting even those few should be scanty. The particulars indeed of those which are recounted are far from minute, even of such as were held after the year 446; of those which were held previously[7] the records are lost, and it is therefore impossible to investigate their history. Commencing however at the time above mentioned (A.D. 446), there now remain accounts of twelve public assemblies as held between that date and the year 601, and which may be called emphatically *British synods and councils.*

V. Manner of holding them.

It may be gathered from divers[x] sources that the aboriginal inhabitants of this island were accustomed to hold their public meetings on the banks of rivers. It is likely that they were led to select such spots for that purpose on account of the convenience there afforded for obtaining ready supplies of water and of pasturage, large numbers not only of men, but of horses and beasts of burden, being gathered together on those occasions. The place usually chosen for their assembly was under some large oak tree,

> "[xx] Sicubi magna Jovis antiquo robore quercus
> Ingentes tendat ramos...."

[x] Hody, p. 34.

[xx] Virg. Georg. iii. 332 34.

[7] τὰ ἔτι παλαιότερα σαφῶς μὲν εὑρεῖν διὰ χρόνου πλῆθος ἀδύνατα ἦν.—Thucyd. Hist. lib. i. c. 1.

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Such a choice was made partly for shelter or shade, partly that the tree might be a landmark to guide the various comers to the appointed spot, and partly perhaps on account of some traditionary[y] custom handed down from the Druids, who always met under oak trees, whence indeed it is believed that the name of those fanatics was derived. Thus Augustine the monk had his interview with the seven British bishops at a provincial Synod of Caerleon-upon-Usk, which was held under an oak tree in Worcestershire, and on the borders of the ancient dioceses of Hereford and Worcester, that place, according to Bede, being afterwards called Augustine's Oak. It is also said by more than one author[z], that Bare-oak-shire was the original name of Berkshire, and that that county was so named from a great old and dead oak tree in Windsor Forest, under which councils had aforetime been held. In the extreme north of England the same custom of holding councils under oak trees seems to have prevailed, as there are records of a synod held within the bishopric of Durham, at a place called "Actes," which, according to Simeon Dunelmensis[a], signifies "the oak in the plain," or "the[b] field of the oak." Indeed the custom of selecting oak trees as places of meeting for large assemblies of persons has prevailed to a comparatively late period. It is a matter of notoriety in some neighbourhoods, even if it is not within the memory of men now living, that on the occasion of the bounds of parishes being beaten, it was customary for the clergyman to read the gospel for the day under some particular oak tree to the assembled people, whence the terms "Gospel oak" and "Bible oak" are to this hour applied to those trees. Of such there are more than one in the neighbourhood whence these lines are written[s].

The form of holding the ancient mixed councils of Britain may be in some measure learnt from an account more detailed than usual, which has been handed down by Heddius[c]. At the invitation of the metropolitan in the instance referred to, three bishops, with their abbots and one abbess, together with the king and his princes, having met together upon the banks of a river, took their seats in the appointed place of conference. The metropolitan opened the proceedings, and after several

[y] Hody, p. 35.

[z] Higden and Brompton, quoted by Hody, p. 35.

[a] Hody, p. 35.

[b] Hody, Appendix, p. 285.

[c] Hody, pp. 35, 36.

[s] One in Ribbesford parish, and other instances.

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of the members of the council had delivered their opinions, that prince who was next in dignity to the king declared the united wishes of the sovereign and his nobles on the subject of the debate. The bishops then *withdrew*[d] *to a separate place and took counsel together*, after which a common agreement was entered into upon the matters which had occupied their separate deliberations. The bishops then having given the kiss of peace and embraced each other by turns, partook[9] of the holy communion, and then, with thanks to God for his goodness, returned each to his own home in Christian peace.

[d] Hody, p. 37.

VI. All here detailed.

It will be seen by reference to the list of synods and councils held in Britain during the period which this chapter embraces, that they are twelve in number. Although in pursuing the subject it will not be necessary in future periods of our inquiry to remark on every public meeting separately, yet in this chapter a brief account will be given of the object and acts of each one; for these seem to possess a peculiar interest as being emphatically British assemblies, and as having been held before any attempts at usurpation on the part of Rome had been even partially successful.

VII. Synod of S. Alban's.

The first British synod of which records remain was held at Verulam, a celebrated Roman town in Hertfordshire, near the present S. Alban's. As early as in the time of Nero it was a municipium[e], and its inhabitants enjoyed the privileges of Roman citizens. This synod was held in the year 446[f], *i. e.* in the third or fourth year before the arrival of Hengist[g], the Saxon invader of British rights and liberties. It was convened to resist the increase of the Pelagian heresy then spreading in this country under the influence of Agricola, who was a disciple[h] of the author of that false belief. The British champions of the true faith having felt themselves unequal to maintain the contest successfully against their wily adversaries, had invited Germanus, bishop of Auxerre, and Lupus, bishop of Troyes, to come over to their assistance. Upon their arrival so great an interest was felt by the British Christians in the approaching controversy, that when the synod met at S. Alban's, "an[i] immense multitude of men, with their wives and

[e] Bourn's Gazetteer, p. 841.
[f] Spelm. Conc. i. 47.
[g] Hume, p. 5.
[h] Spelm. Conc. i. 47.
[i] Spelm. Conc. i. 48, quoting Bede.

[9] "Panemque frangentes communicaverunt." These words, it is presumed, are intended to convey the meaning given in the text.

children," assembled there to witness the proceedings. The Pelagian party first stated their views, but their arguments were met on the part of the Gallican bishops by overpowering eloquence, by weighty arguments derived from the writings of the Apostles and Evangelists, and by full statements of the true doctrines of Christianity, confirmed by scriptural testimony. The false tenets of Pelagianism were thus refuted; "the very leaders [k] in the dispute are said to have acknowledged their errors;" the audience were scarcely restrained from a clamorous expression of their approval, and "an [l] innumerable multitude of both sexes were converted to the true faith."

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[k] Churton's Early Eng. Ch. p. 21.

[l] Spelm. Conc. i. 48, quoting Bede.

The spot where this synod met was probably about a mile to the south-west of the modern town of S. Alban's. The present abbey of S. Alban's, built in 1017, stands at the edge of the town, upon an eminence from which the land slopes towards the south. At the foot of the hill runs the little river "Ver," and at a short distance on the opposite bank the remains of the ancient town of Verulam are still visible. The site of the Roman city was lately bought by a land society, and the purchasers' intentions were to convert the classic spot to purposes consistent with the views of this utilitarian age. In that case whatever vestiges of antiquity still remain would have been sacrificed. Happily [10], however, the property has again changed hands, and sufficient landmarks will still be preserved which may serve to determine the spot for future inquirers, where the first British synod now on record was held, and where the eloquence of Germanus and Lupus, confuting the mischievous doctrines of the heretic Pelagius, prevailed to confirm our ancestors in the true faith.

VIII. A mixed council.

The second public assembly—a mixed council—of which we read as held in Britain took place in the year 449 [m]. Its object was to repress some fresh appearances of the Pelagian heresy. Another subject was also brought under the notice of this meeting, K. Vortigern had entered into an incestuous marriage with his own daughter,

[m] Spelm. Conc. i. 49.

"[mm] Hic thalamum invasit natæ, vetitosque hymenæos."

[mm] Virg. Æn. vi. 623.

Such conduct of evil example and general notoriety seemed to

[10] A.D. 1853.

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demand a firm resistance and a public reproof on the part of his subjects. In order to secure such an expression of opinion a great assemblage of *clergy and laity*[n] were convened in one council, and thither Germanus, whose assistance had again been sought, came with *all*[o] *the clergy* of the Britons to condemn this crime. A condemnation was there passed upon the conduct of the king, and his unhappy daughter sought the seclusion of a convent.

[n] Spelm. Conc. i. 49.

[o] Spelm. Conc. i. 49.

IX. Mixed Council of Snowdon.

The third British public assembly[p] of which records remain was held in Wales, near the mountains of Erir, in Caernarvonshire. Erir is said to designate the "eagle's nest," and is admitted on all hands to signify Snowdon. In this mixed council, which was convened in the year 465, *i.e.* the fifteenth or sixteenth year after the arrival of Hengist the Saxon, the Britons who had been scattered were gathered together, and *the*[1] *clergy*[q] *of the kingdom being called in*, all with united approbation conferred the crown upon Aurelius Ambrosius, in the stead of Vortigern. This event is said to have taken place in accordance[r] with some prophecies of Merlin, who had foretold the death of Vortigern and the accession of Aurelius in his room.

[p] Spelm. Conc. i. 60.

[q] Conc. Mag. Brit. vol. i. p. 7.

[r] Spelm. Conc. i. 60.

X. Mixed Council of Stonehenge.

The fourth public assembly[s] of Britain was convened at the hill[t] of Ambrosius, in Salisbury Plain, a place now commonly known by the name of Stonehenge[u]—the "stones of Hengist." Ambrosius Aurelius was solemnly crowned on this occasion; and with his consent, as well as with that of *all the clergy*, Dubritius was there consecrated an archbishop. The name of Ambrosius is still connected with that neighbourhood, Amesbury, a town within a few miles of the spot at which this mixed council was held, being a corruption of Ambre's bury, *i. e.* "Ambrosii urbs[v]."

[s] Spelm. Conc. i. 60.

[t] Poole's Eccl. Ant. pp. 19, 20, quoting Geoffrey of Monmouth.

[u] Fuller, Ch. Hist. book i. pp. 36, 37.

[v] Spelm. Conc. i. 494.

It is reported on the authority of Capgrave, in his life of S. Patrick, that at this time those enormous blocks of stone, which even to this day are considered "the[w] wonder of the west," were brought from Ireland, and set up as monuments to perpetuate the memory[y] of those British patriots who had fallen by the hands of Hengist and his followers. The assertion, however, that these stones were brought from Ireland must be received with great caution. In the first place, their

[w] Hoare's Hist. of Wilts.

[x] Spelm. Conc. i. 60. Fox, Acts and Mon. vol. i. p. 97.

[y] Hody, p. 15.

[1] "Convocato regni clero."—Conc. Mag. Brit. i. 7.

enormous size would seem to render the transit impossible; and in the second place, "the outer circles of large stones . . . are of the sandstone[z] found plentifully in the neighbourhood." But that this was a place of sepulture for the slain Britons, and these stones a memorial of their death, is rendered probable enough from the facts that "the[a] ground around Stonehenge is covered with barrows;" and that "heads of arrows, some pieces of armour eaten[b] out with rust, and rotten bones," were discovered during an excavation made by Aubrey, duke of Buckingham, in 1620. This monument, for whatever purpose erected[c], was originally composed of an outer circle of thirty upright stones, each about fourteen feet high, seven broad, and three thick. Each of the upright stones was hewn and squared by the tool, and provided also with two tenons, which fitted into corresponding mortices worked in other stones placed horizontally upon the summits of the uprights, and forming a continuous impost. This outer circle was about one hundred feet in diameter. Within it was a lesser circle, "eighty-three feet in diameter[d], containing about the same number of perpendicular stones, but much smaller, and without imposts." Some further arrangements, in an elliptical form, within this second circle, have been discovered, consisting of groups of three stones, two upright ones and an impost called "triliths" by archæologists. These varied from sixteen to twenty-one feet in height: before each trilith stood three small upright stones, and "in the central[e] space in front of the principal trilith is a large flat stone." But whatever was the original purport of this extraordinary monument of antiquity, this place was the scene of the "mixed council" now under consideration; and in addition to the solemn act of the coronation of Aurelius Ambrosius, the metropolitical sees of Caerleon-upon-Usk, and of York, were on this occasion conferred respectively upon Dubritius and Sampson[f].

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[z] Wright's History of the Early Inhabitants of Britain, p. 60.

[a] Ibid. p. 59.

[b] Ibid. p. 82.

[c] Vid. ibid. p. 59.

[d] Ibid. p. 59.

[e] Ibid. p. 59.

[f] Spelm. Conc. i. 61.

XI. A mixed council.

In the year 516 the fifth British public assembly[g], of which information reaches us, was convened in this country. It is called by the learned Spelman "a most celebrated council[h] of all the authorities of Britain, viz. of the archbishops, bishops, abbots, and others, in order to solemnize the coronation of the great K. Arthur." Three days were devoted to this celebration; and on the fourth,

[g] Spelm. Conc. i. 61.

[h] See also Conc. Mag. Brit. vol. i. p. 7, note.

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honours both ecclesiastical and civil were conferred. Dubritius on this occasion desiring a more secluded mode of life, resigned[i] his metropolitical see of Caerleon-upon-Usk to David, the king's uncle; but though this change then took place, it appears by comparing the acts of this council with those of the following one, that David was not confirmed in the archbishopric until three years afterwards. Here also other ecclesiastical appointments were made, bishoprics being conferred on Diuvanius and on Mauganius.

[i] Archæol. Journ. vol. iv. p. 243.

XII. Mixed Council of Llandewy Brevi.

In the year 519 the sixth[j] British public assembly was held at Llandewy Brevi,—"the church of S. David at Brevi,"—in Cardiganshire. This is now an inconsiderable village, lying at the distance of a few miles from Lampeter College. Of this mixed council the learned Spelman takes but little notice, not mentioning the place at which it was convened. The accounts[k] of it are derived from Giraldus Cambrensis and the Utrecht MSS. All the bishops of Britain were there assembled, besides *abbots*, *religious men of all orders*, lay lords, and people collected from the whole surrounding country. The chief ecclesiastical matters debated in this mixed council referred to the revival of the Pelagian heresy. Notwithstanding the number of ecclesiastics assembled, David, metropolitan of Caerleon, was[l] absent at its opening. Paulinus having been sent to desire his presence, could not at first prevail upon him to attend; but subsequently, at the joint solicitation of Dubritius and Daniel, he consented to appear, and by the interposition of his authority and power of his eloquence, he put an effectual check to that heresy, which had so frequently threatened to taint the pure faith of the Church. At this mixed council David was confirmed as metropolitan of *all Wales* by the common consent and with the acclamation of all, both clergy and people; and the metropolitical see was removed[m] from Caerleon-upon-Usk to Menevia, now S. David's. But notwithstanding this change, it must be borne in mind that the old title of Metropolitan of Caerleon-upon-Usk was still retained, as will appear[mm] in the history of the subsequent provincial Synod of Augustine's Oak.

[j] Spelm. Conc. i. 61. Coll. i. 136.

[k] Stillingfleet's Orig. Brit. pp. 357, 358.

[l] Stillingfleet's Orig. Brit. p. 358.

[m] Spelm. Conc. i. 61 in tit. conc.

[mm] Infra, sec. 18, 19.

XIII. Provincial Synod of Victory.

In the year 529 the seventh British public assembly was held—the provincial Synod of Victoria or Victory. No account of it is given by

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the learned Spelman. Its name is believed to have been derived from a battle fought by the Britons, and a victory won on or near the spot, where the synod was subsequently convened.

Near the town of Mold[n], in Flintshire, the Britons were surrounded by an army of Saxons, who had joined themselves to the Picts, and thus by their united forces endeavoured to crush the natives of the British soil. Germanus or Germain was sent for to encourage the Britons by his presence and exhortations, and by his arrangements they were enabled to surround their enemies and defeat them with great slaughter. It was at Easter that this battle was fought, at which season many of the younger soldiers were baptized. From this circumstance, and from the shout[2] of triumphant hallelujahs which the Britons raised as they attacked and vanquished their invaders, that battle was known to posterity under the appellation of "Victoria Alleluiatica"—Hallelujah Victory. From the part taken in this event by Germain, the spot on which this victory was gained was, as Archbishop Usher[o] supposes, afterwards called "Maes[p] Garmon," *i.e.* "the field of Germain;" and that is believed to have been the scene of the provincial Synod of Victory. In this provincial synod *all*[q] *the clergy* of Wales were present, or as Ricemarchus[r] says, "a crowd of *bishops*, *priests*, *and abbots*." The decrees of the previous mixed Council of Llandewy Brevi were here confirmed, and new canons also were made for the government of the British Church. All of them were orally promulgated by the Archbishop David[s], and were moreover committed to writing by his own hand. He also required in addition that they should[t] be preserved in his own as well as in other churches of Wales.

[n] Churton's Early Eng. Ch. p. 23.

[o] Quoted by Churton, Early Eng. Ch. p. 22.
[p] Fuller, Ch. Hist. bk. i. p. 30.
[q] Still. Orig. Brit. p. 359.
[r] Quoted by Hody, p. 17.

[s] Hody, p. 17.

[t] Giraldus, quoted by Hody, p. 17.

XIV. Diocesan Synod of Llandaff.

In the year 560[u], and after a lapse of about thirty-one years, we find accounts recorded[v] of the eighth British public assembly. It was convened by Oudoceus, bishop of Llandaff, and appears to have been a purely ecclesiastical assembly: indeed in the strictest sense of the word a diocesan synod, to which that bishop summoned *all the clergy*[3], from Taratyrin Guy on the Wye to the river

[u] Coll. i. 139.
[v] Spelm. Conc. i. 62. Hody, p. 18.

[2] φωνὴ δ'....ἵκετ' οὐρανὸν ἀστερόεντα
κεκλομένων· οἱ δὲ ξύνισαν μεγάλῳ ἀλαλητῷ.—Hes. Theog. 685-6.

[3] "*Omnes clericos.*"

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Tyvy. The occasion of this synod was as follows: Mouricus, king of Glamorgan, in contravention of a solemn treaty of peace, had murdered Cynetu; upon which Oudoceus convened his synod to confirm a formal declaration of excommunication against the transgressor for his crime. The king, as well as his family and kingdom, were placed under an interdict, the synod confirming the decree, while these words from the 109th Psalm were recited: "Let his days[w] be few, and let another take his office." Nor was this sentence removed[x] until a period of more than two years had elapsed, and the king's open repentance had been declared by his meek demeanour and the effusion of a flood of tears[t].

[w] Ver. 7.

[x] Spelm. Conc. i. 62.

XV. Mixed Council of Llantwit.

The ninth British public assembly[y] was held at Llantwit. This place was originally called Llaniltut, "the church[z] of Iltutus," the termination *iltut* having been corrupted in modern language into *twit*. Iltutus was one[a] of Germanus's scholars, and was remarkable for having established, together with Dubritius, very famous schools of learning; one of which was probably fixed upon this spot, which derived its name from the founder. Camden says that "it is still[b] called Lantuit," where the foundations of many houses were to be seen in his time. Llantwit is not far from Cowbridge, being situated between Llandaff and Neath; and connected with the place are many accounts tending to convince us of its ancient importance in ecclesiastical history. At this mixed council Oudoceus, bishop of Llandaff, with three abbots and a large concourse of the faithful, met to witness the treaty of K. Morcant and his uncle Frioc, which was entered into before the altar at Llaniltut, many solemnities being added to confirm the obligations of the contract. The conditions were, that if either of the contracting parties should kill or deceive the other, perpetual banishment should follow as the penalty.

[y] Spelm. Conc. i. 63. Coll. i. 139.

[z] Coll. i. 111.

[a] Coll. i. 111.

[b] Quoted by Collier, i. 111.

XVI. Diocesan Synod "ad Podum Carbani Vallis."

The tenth British public assembly, of which an account[c] is furnished by historians, was held near Llandaff, "ad Podum Carbani Vallis." The occasion of this assembly, a diocesan synod, was as follows. Notwithstanding the solemn treaty entered into at the

[c] Hody, p. 18. Coll. i. 140. Spelm. Conc. i. 63.

[t] "Inclinato capite effusis lachrymis."—Spel. Conc. i. 62.

previous mixed Council of Llantwit, K. Morcant, "at the instigation of the devil," to use Spelman's language, put his uncle Frioc to death. Either struck with remorse, or fearful of the consequences of this conduct, Morcant repaired to Oudoceus at the church of Llandaff, seeking pardon for his broken faith, and for the homicide of which he had been guilty. After hearing the king's petition, Oudoceus summoned to a sacred synod his three abbots, with his clergy, from the Tyvy to the mouth of the Wye. To this diocesan synod, held "*ad Podum Carbani Vallis*," K. Morcant came with his elders. The members considered it inconvenient that the king should live out of the country; and determined that the penalty of banishment, which he had incurred in conformity with the contract entered into at the mixed Council of Llantwit, should be commuted for fasting, prayers, and alms. Consequently, with the consent of his elders, Morcant pledged himself to obedience, placing his hand on the four Gospels, and on some holy relics presented to him by the bishop. And then, having promised to administer the public affairs with justice and clemency, the king was received to holy communion.

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XVII. Diocesan Synod of Llandaff.

The eleventh British public assembly[d] upon record was held in the year 597. It was a diocesan synod, convened by Oudoceus at Llandaff, and the members were summoned from the mouth of the Wye to the Tyvy. Its object was to solemnize the excommunication of Guidnerth for the murder of his brother Merchion. This sentence of excommunication remained in full force for a period of three years, Guidnerth being entirely forbidden all Christian communion for that time. At its expiration he applied to Oudoceus to remit the sentence, but the bishop still imposed penance upon him. The term of penance not having been completed before the death of Oudoceus[5], he never had an opportunity of receiving Guidnerth back into

[d] Spelm. Conc. i. 64. Hody, p. 18. Coll. i. 140.

[5] It is right to observe, that some of the circumstances mentioned as accompanying the sentences of excommunication pronounced by the Bishops of Llandaff cannot be correctly handed down to us, since forms are said to have been observed on those occasions ("depositis crucibus et cymbalis versis *") which were not at that time known in England †, according to Spelman's ‡ authority. Indeed all the accounts of early Welsh synods must be received with caution.

* Spelm. Conc. i. p. 64. † Hody, p. 63. ‡ Spelm. Conc. i. p. 386.

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the Church; that act was reserved for the bishop's successor, Berthguin, who, at the joint request of Morcant and Guidnerth, absolved the latter after he had made a promise of amendment of life, accompanied with fasting, prayers, almsgiving, tears, and penitential sorrow proportioned to the enormity of his crime.

XVIII. Provincial Synod of Augustine's Oak, session 1.

1. Its object.

The twelfth British public assembly upon record was held in 601[e]. This was a provincial Synod of Caerleon-upon-Usk, convened at a spot since[f] named Augustine's Oak; but from having been held on the borders of Worcestershire, this assembly has sometimes been called the Synod of Worcester. It is a synod of far deeper interest to us than any of those which have been as yet detailed; indeed the historical importance of the circumstances which attended it can hardly be overrated, inasmuch as they clearly prove that the native British Church, so far from having been founded by Roman missionaries, as has often been asserted, was incontestably of an Eastern origin. This will appear as we proceed. Fifteen years had now elapsed since the cruelty of our Saxon invaders had driven the British Christians from the eastern parts of their native land. Indeed so terrible had been the persecution at that time, that Theonas and Thadiocus, as was before observed, were obliged to fly from their respective metropolitical sees of London and York, and to take refuge in Wales among the Christians of the third British ecclesiastical province of Caerleon. About five years had elapsed since the arrival of Augustine the monk in England, by whose teaching a partial revival of the Christian faith had been effected in Kent, and by whose exhortations K. Ethelbert had been converted from paganism. How cheering must have been this news to the scattered Christians of Britain; how great their hopes that with such assistance their Church would again regain her former position, and reclaim her influence for good over the hearts and affections of the people! In order to secure a union, desirable on every account, between the native Church and that body of Christians which was now multiplying in the south-eastern portion of this island under the united influences of Augustine and Ethelbert, the provincial Synod of Augustine's Oak was convened.

[e] Innett, Orig. Ang. p. 31.

[f] Fuller, Ch. Hist. bk. ii. p. 60.

2. Its date. As regards the time of its meeting there is a slight variation among historians, Ranulphus[g] placing it in 599, Angelocrator in 601, Balæus in 602, Wigornensis in 603. The learned Spelman fixes the date as 601, and to that year the synod is here attributed.

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[g] Spelm. Conc. i. 107.

3. The place of assembly. Nor is the exact place of meeting easy to ascertain with positive certainty, though sufficient records remain to assure us at least as to the neighbourhood in which this provincial synod was held. For there is evidence to shew that it met in West[h] Worcestershire, not far from the borders of Herefordshire, upon a spot afterwards called "Augustine's[i] ac, ok, or oak." Spelman hints that this synod assembled near a village called "Ausric," as though contracted from "Austins-ric." Others speak of the place as "Haustake[k] or Ossuntree," *i. e.* the modern village of "Martin Hussingtree," near Droitwich.

[h] Spelm. Conc. i. 107.

[i] Soames, Anglo-Sax. Ch. p. 55.

[k] Welsh, Sketches, p. 102.

But there is, not far from the present high road leading from Ludlow, in Shropshire, to the city of Worcester, a spot called the Apostles' Oak, which local tradition marks as the scene of this memorable provincial synod, and there is good reason for giving credit to the tradition. Upon that road is an old inn, named the "Hundred House," and about a mile short of it, as one approaches from the Ludlow side, is a hill still called the "Apostles' Oak Bank." A few hundred yards upon the left of the ascent stands an oak tree, which is known to have been planted during the earlier half of the last century, on the site where the hollow trunk of an exceedingly aged oak had been then lately burnt by a fire lighted within it by some careless person. That aged trunk was known as the "*Apostles' Oak*," and that was generally believed to have been the spot where the British bishops met Augustine and his followers. In 1732[6] "the original tree (it is believed) was standing then in a state of great decay—quite hollow—and in it was placed a seat for the accommodation of the toll-keeper of the adjoining new turnpike road . . . . the gate was denominated the Apostles' Oak Gate," and it is said that in the act passed for the management of that road the "Apostles' Oak" was

[6] At this date the grandfather of the gentleman, who kindly supplied some of this information, became rector of the parish in which the oak stood.

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mentioned by name[7]. The road is now diverted from its original course, so that the present traveller does not pass the spot unless he purposely seeks it. In a letter dated May 31, 1797, Dr. Perry, bishop of Dromore, after mentioning some of the facts here recounted, adds, "I remember being told this by the rector of the Rock about the year 1754 or 1755, when I was on a visit at his parsonage-house. That parish, which originally extended to this celebrated oak, was called '*Aca*' in Latin (so it is still in the Valor Beneficiorum from it), and the English, 'The Rock,' is only a corruption of the old Anglo-Saxon 'Þæp Ac,' *i. e.* 'ther oak' or 'the oak.'" Some objections have, I believe, been raised against this locality; but in the copy of Dr. Perry's letter now lying before the writer, he says, "I formerly considered the subject, and think I can answer every objection, and confirm the tradition." A very important fact in connexion with this subject must not be overlooked. That ancient oak marked the boundary line of the two dioceses of Hereford and Worcester, and was therefore not unlikely to be fixed on as the place of assembly for a provincial synod; and this fact may also very easily account for the statement "that the synod was held on the borders[1] of Herefordshire and Worcestershire," although the boundaries of the dioceses and of the counties not being here coincident, the *county* of Hereford does not really approach within some few miles of the place.

[1] Vid. Spelm. Conc. i. 107. Conc. Mag. Brit. i. 25.

4. The persons present.

But wherever the exact locality may have been, this synod was held according to the custom of that time, under some known and wide-spreading oak, which might mark the place of meeting, and afford, as circumstances should require, shade from the sun or shelter from the rain. On one side were British bishops and doctors; on the other side, Augustine with his Roman clergy. Upon such an occasion the hopes and expectations of both parties must have been raised to a high pitch. On the one hand, the British bishops and doctors, having witnessed in their own lifetimes the persecutions against their brethren, ending in the expulsion of two out of the three native metropolitans lately compelled to seek a refuge in the west, must have well-nigh despaired of

[7] From a letter of Dr. Perry, bishop of Dromore, to Mr. R. Bromley, of which a copy has been kindly supplied by a descendant of the latter gentleman.

the prosperity of their national Church. Still late events must have inspired them with freshening hopes. They must have now begun to expect that their sore trials were passing away, and that a happier state of things would succeed. The conversion of K. Ethelbert to Christianity, and the favours shewn by him to the Roman missionaries of Christianity, must have appeared as hopeful omens of future prosperity to the British Church. The prospect, moreover, of entering into Christian communion with Augustine and his companions, who had effected such good and holy service at so critical a period, must have gladdened the hearts of the representatives of our native Church as they bent their steps towards the spot appointed for this provincial synod.

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On the other hand, Augustine and his clergy approached the place, anxious not only to secure native assistance in spreading the truths of the Gospel, but eager also, as the event proved, to bring the ancient Church of this land under their own ecclesiastical discipline and jurisdiction. Their determination to insist upon implicit compliance in all particulars with Roman customs, discipline, and authority, shews how great was their anxiety on these points; but that determination was fatal to such union between the British bishops and Augustine, as all had good reason to desire.

5. Computation of Easter a subject of controversy, and a proof of the Eastern origin of the British Church.

This provincial synod consisted[m] of two sessions. In the first, Augustine endeavoured[n] to persuade the British clergy to associate with him in preaching the Gospel; but he insisted on the necessity of their keeping the Easter festival according to the computation of the Roman Church at that time, *i. e.* on[o] the Sunday which fell between the fifteenth and the twenty-first day of the Paschal moon inclusive. This would have entirely contradicted the traditions and habits of the British Christians, "who[p] adhered to an ancient mode in fixing the festival of Easter, and varied in many other particulars from Roman practice."

[m] Spelm. Conc. i. 104, 105.

[n] Innett, Orig. Ang. p. 31.

[o] Churton's Early Eng. Ch. p. 43.

[p] Soames, Anglo-Sax. Ch. p. 56.

The question of the difference of the computation of the Easter festival will be considered more in detail when we come to the second session of this provincial synod. That[q] difference, however, it may here be observed, places it beyond a question that the British Church was of an Eastern origin,

[q] Bingham's Eccl. Antiq. vol. vii. pp. 87 et seq.

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as it was thus connected immediately with the Churches of Asia, "the[r] cradle of our holy faith," where the mode of computation, originally prevailing in Britain, was adopted. The Britons at this provincial synod clung most tenaciously to their ancient traditions, and after a long[s] discussion, notwithstanding the prayers, exhortations, and even threats of Augustine himself and of his companions, they stoutly refused to consent to any such alterations in the observation of the highest festival of the Christian Church as those which he proposed. They added, that they believed it to be "the way of truth which Augustine preached, but that they could not consent to abandon their ancient[s] customs without the leave and consent of their brethren." They therefore demanded a second session of the synod, in which the British Church might be represented in larger numbers.

[r] Soames, Anglo-Sax. Ch. p. 56.

[s] Spelm. Conc. p. 105.

XIX. Provincial Synod of Augustine's Oak, session 2.

1. Members present.

To the second session of this synod there repaired seven British prelates—the Bishops of Bangor[t], Hereford, Llanbadern[9], Llandaff, Margam[1], S. Asaph[2], and Worcester. In addition to these bishops other ecclesiastics attended as members of the provincial synod. Of these one of the chief was Dinoth, abbot of Bangor Iscoed. He arrived, together with "*very*[u] *many learned men*[3]," of whom the greater part belonged to his most noble monastery, situated[v] in Flintshire, on the Dee, near Wrexham and Malpas, about ten miles south of the present city of Chester, and reported to have then contained 2100 monks. This was a famous[w] place of education, founded by Germain, and "the remains of it were still visible, after the lapse of a thousand years, a short time before the Reformation."

[t] Spelm. Conc. i. 105, 106. & see also a book entitled "Survey of Cath. Ch. of S. David," by Browne Willis, p. 95, quoting Spel. Gloss i. 107. & Heylin's Help to Eng. Hist. p. 92.

[u] Spelm. Conc. ut sup.

[v] Soames, Anglo-Sax. Ch. p. 58.

[w] Churton's Early Eng. Ch. p. 25.

Before[x] proceeding to the place of meeting the British clergy took counsel of a holy man of that time, who passed his life as a hermit, and had obtained a high reputation for wisdom. The object of their inquiry was to ask whether they ought to accept the propositions of Augustine. The hermit's[y] answer was, "If the man be of God, follow

[x] Innett, Orig. Ang. p. 32.

[y] Coll. i. 176.

[s] "Priscis moribus."

[9] Paternensis, bishop of Llanbadern, in Cardiganshire.

[1] Morganensis, bishop of Margam, in Glamorganshire.

[2] Cluiensis or Eluiensis, bishop of Llanelvy or S. Asaph.

[3] "Plures doctissimi viri."

him." "But how," they asked, "shall we discover this?" "Our Lord," he replied, "has said, 'Learn[z] of me, for I am meek and lowly in heart.' If, then," the hermit added, "Augustine is meek, believe that he bears the yoke of Christ and offers it to you; but if he is ungentle and highminded, it shews that he is not of God." To bring this matter to a practical proof, the hermit then advised his countrymen not to approach the synod until after Augustine had taken his place, and to observe carefully whether he rose up to salute them upon their arrival. He suggested that by this means a distinguishing evidence of meekness or of pride would be afforded. The Britons took the hermit's advice, and were prepared to watch with much exactness Augustine's conduct. When they approached he received them in a sitting posture, at which they felt extreme indignation, perceived that his conduct was any thing but meek and lowly, "took[a] him for a haughty person, and argued strongly upon the points in debate."

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[z] S. Matt. xi. 29.

[a] Coll. i. 177.

Three principal points Augustine urged, stating that if in those they would conform, he was ready to pass over any minor differences, and to sanction a union between the British and the Roman Churches. The three points upon which he insisted were these: *first*, that they should celebrate the Paschal festival at the same time with himself; *secondly*, that they should administer the sacrament of baptism after the Roman manner; and *thirdly*, that they should unite with his followers in preaching the Gospel to the Anglo-Saxons.

2. A digression on the computation of Easter.

As regards the *first* of these points, namely, that they should celebrate the Paschal festival at the same time with himself, it is necessary to make a brief digression, in order to place the request in a clear light. It is said that S. John, in accordance with the old directions of the Mosaic law respecting the Jewish Passover, kept the Paschal festival of the Church on the *fifteenth*[4] day of the Paschal moon, and commenced the observance on the evening of the fourteenth without regard to the question whether that day fell upon a Saturday, so as to secure a Sunday for the holding of the great Christian feast.

[4] See Horne's Introd. vol. iii. p. 308. Levit. xxiii. 6. Josephus, Ant. Jud. lib. iii. c. 10, p. 93, edit. Pet. de la Rouiere, 1611. Exod. xii. 18. Numb. ix. 3.

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Thus the Easter festival would be celebrated six times out of seven on a week day. The Eastern Churches generally followed this computation, and from the fact that their Paschal feast was thus invariably commenced upon the evening of the fourteenth day of the moon, they obtained the name[b] of "Quartodecimans."

[b] Innett, Orig. Ang. p. 68.

[c] Coll. i. 225.

But S. Peter, we are told, concluded[c] that the great Christian festival of Easter should always be held upon a Sunday, because upon that day of the week the Lord brake the bonds of death, became the firstfruits of them that slept—the earnest and pledge of man's resurrection. That was emphatically "the Lord's day," and on that day S. Peter thought that the highest festival of the Lord's Church on earth should be celebrated. If, therefore, a Sunday did not immediately follow the fourteenth day of the Paschal moon, but stood forward to the sixteenth, seventeenth, or still further, the celebration, according to S. Peter's rule, was postponed to that more distant day. Thus the festival ranged between the fifteenth and the twenty-first day of the moon inclusive, the actual celebration depending in every case on the day upon which the Sunday fell. This course the Western Churches followed, and thus a difference prevailed between the Christians of the East and West. But to secure unity a rule was laid down at the Council[d] of Nice, A.D. 325, that Easter should be kept on one and the same day by all, *i. e.* on the first Sunday after the first[e] full moon which succeeded the vernal[f] equinox, *i. e.* the 12th of the calends of April; in our calendar, the 21st of March. Now the Britons were originally "Quartodecimans;" that is, they began the feast on the evening of the fourteenth day of the moon, celebrating their high festival on the fifteenth, even if the fourteenth did not fall[g] on a Saturday, so as to secure a Sunday for the celebration. But after the Council of Nice, though wishing to correct their practice, and desiring to keep their Easter festival on Sunday, they still fell into errors in their arrangement: and it may be remarked by the way, that such errors[h] were not confined to them. They began[i] a day too soon, and chose the Sunday which fell between[j] the fourteenth and twentieth day of the moon inclusive, whereas they should have chosen the Sunday which fell between the fifteenth and

[d] Bingham's Ant. vol. vii. p. 91.

[e] Churton's Early Eng. Ch. p. 43.

[f] Coll. i. 225, 226.

[g] Churton's Early Eng. Ch. p. 43.

[h] See Bingham, Ant. vol. vii. p. 96.

[i] Churton's Early Eng. Ch. p. 43.

[j] Innett, Orig. Ang. p. 68.

twenty-first inclusive. Thus when Augustine debated the question with them, they were no "Quartodecimans[k]," for they kept their Easter festival always on the Lord's day, but still their practice did not coincide with that of the Western Church, for though the days would generally agree, yet once in a cycle of years the feast would be held seven days too soon. Such was the cause of the controversy upon the first point raised between the British bishops and Augustine—one which had a powerful effect upon the event of the synod.

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[k] Coll. i. 204.

3. Other points discussed in this synod.

The *second* point which came into discussion arose from Augustine's request that the Britons should administer the sacrament of baptism after the Roman manner. To explain this, it may be observed that a practice had prevailed among some of the early Christians of dipping the person baptized three times in water, in memory of the Three Persons of the ever-blessed Trinity, and of our Saviour's having lain three days in the earth. Augustine wished to impose this practice upon the British Church, as a necessary condition of union with himself. But this was somewhat unjustifiable, because his master Gregory was less stringent on this very subject. In writing to Leander, bishop of Seville, his words are, "We use three immersions at Rome; but, in such a matter as this, while the faith of the Church is one, there is no harm in a little difference of custom." Augustine however betrayed a less catholic spirit, and wished to exercise a higher strain of authority.

The *third* point urged by Augustine upon the Britons was, that they should unite with his followers in preaching the Gospel to the Anglo-Saxons. Now had they declined to accede to this proposition, if it had been made to them unaccompanied by the other conditions suggested, the British clergy would have been inexcusable in refusing. The sufferings[l] they had endured at the hands of their invaders should never have rendered them unwilling to make so blessed a return of good for evil. The plainest lessons of Him whose name they bore, and of whose Church they were the representatives, should have reminded them "to love[m] their enemies, to bless those that cursed them, to do good to those that hated them, and pray for those that despitefully used them, and persecuted them." But it must be remembered that Augus-

[l] See Collier's quotation from Leland, Coll. i. 180.

[m] S. Matt. v. 44.

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tine's three propositions were united together; two of which might very justly and very reasonably be declined by the British clergy. They were conditions too not demanded so much "as terms[n] of brotherly communion, but as marks of submission and inferiority." "If in these three things you will *obey*[5] me," said Augustine, then would he "bear with[o] all other things." They had been but little prepossessed in his favour by his receiving them sitting. It is unlikely that the counsel of the wise hermit was forgotten; and this last imperious condition would naturally suggest that their just liberties were assailed. They might fairly conclude, if, when treating upon the subject of authority, he was so little careful to shew due respect, that they would receive less if that authority was admitted. So they returned answer to all the points at once, declined his proposals, and said that "they[p] could not give him satisfaction upon those heads, nor receive him for their archbishop." Indeed, thus to have transferred allegiance from their own primate would have been an offence of a grave character; for to the ancient metropolitical see of Caerleon-upon-Usk they owed obedience. And though that see had been removed to S. David's about eighty-two years previously, *i.e.* at the mixed Council of Llandewy Brevi, in 519, yet the ancient title of Caerleon, and the jurisdiction was still retained. If, therefore, on this occasion the British bishops and clergy had transferred their allegiance to Augustine from their own metropolitan, they would have acted in direct contradiction to the eighth canon of the third œcumenical council (Ephesus), which[q] ordained that "no[r] bishop shall exercise any jurisdiction in a foreign province which has not been under the government of his predecessors from the first planting of Christianity."

[n] Coll. i. 179.

[o] Churton's Early Eng. Ch. p. 43.

[p] Coll. i. 179.

[q] Spelm. Conc. i. 110.
[r] Coll. i. 84.

4. Ill success of Augustine with the British bishops in this synod.

It is a matter for curious speculation why the Bishop of S. David's, at this time metropolitan of Caerleon, was not present with his seven suffragans at this provincial synod assembled to discuss such important subjects. Among the causes assigned for his absence, that one seems the most probable, which suggests that he might have been afraid lest his metropolitical dignity

[5] "Si in tribus his mihi obtemperare vultis," &c.—Bede, lib. ii. c. 2, quoted by Collier, i. 179.

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should be uncanonically compromised within his own province[6], if he attended on this occasion. But though he does not appear to have been present in person, his suffragans and clergy did not forget their allegiance to him, and maintained with manly resolution his just authority.

The words of Dinoth, the abbot of Bangor, before mentioned, fully express the decision of the representatives of the British Church on this occasion. "Be it known, and without doubt[8], unto you that we all are, and every one of us, obedient and subjects to the Church of God, and to the Pope of Rome, and to every godly Christian to love every one in his degree in perfect charity, and to help every one of them by word and deed to be the children of God; and other obedience than this I do not know due to him whom you name to be Pope, nor to be the father of fathers, to be claimed and to be demanded. And this obedience we are ready to give and to pay to him, and to every Christian continually. Besides, we are under the government of the Bishop of Caerleon-upon-Usk, who is to oversee under God over us, and to cause us to keep the way spiritual[7]."

[8] Spelm. Conc. i. 108. Fuller's Ch. Hist. bk. ii. p. 61.

Augustine was so deeply moved by the ill success of his enterprise that he uttered, in the way of prophecy, this threat: "Those who are unwilling to accept peace at the hands of their brethren must expect war at the hands of their enemies." Thus ended the Synod of "Augustine's Oak" unsatisfactorily to both parties engaged. Augustine and the Roman clergy, whatever pure and disinterested motives may have actuated them respecting the conversion of the Anglo-Saxons, yet, without doubt, desired to establish an undue authority over the native Church of Britain. The British bishops and clergy, on the other hand, must have been anxious to secure the aid of K. Ethelbert, and to obtain the co-

[6] "Ne metropoliticam suam dignitatem peregrino in provinciâ suâ contra canones subderet metropolitano."—Spelm. Conc. i. p. 106. As regards the duration of the metropolitical power of the see of S. David's, a *vexata quæstio*, see Collier's Eccl. Hist. vol. i. pp. 473-4.

[7] This was copied from an ancient MS. of the Mostyn family, by Sir H. Spelman. Some objections * made against its authenticity have been dealt with in Still. Orig. Brit. pp. 370, 371 et seq.

* See Rev. R. J. Wilberforce on Supremacy, p. 246.

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operation of those successful missionaries who had converted him to the Christian faith, in order to repair those breaches in the outworks of their Church which persecution had effected. Both parties were, however, equally subject to disappointment. Augustine failed in usurping attempted jurisdiction; the Britons did not succeed in securing that assistance of which they stood so much in need. And all this does not fall in satisfactorily with the more modern claims of the Vatican.

XX. Proofs that the clergy were originally members of all councils in England, whether civil or ecclesiastical.

The history has now been briefly traced of those public assemblies of which records remain as having been held in Britain. up to the time of the accession of Augustine to the see of Canterbury. There remains one point of importance, as connected with our present purpose, to be considered. An unaccountable desire has been manifested in England, and still exists, to deny the right of the lower clergy to give their advice in councils, both ecclesiastical and civil. A nice[s] inquiry into the subject of their complete ejection from the civil councils of the realm would elicit facts, which might surprise even such as boast themselves learned in constitutional lore. But a still further aggression on their rights does not lack supporters,—rights far less questionable, and with which the present subject is more immediately connected. There have not been wanting those who have denied the original right of the lower clergy to a voice in provincial synods, maintaining that for their places in the convocations of England they are indebted to a practice introduced by K. Edward I., who assembled them by royal authority merely for the sake of granting subsidies. A statement less warranted by facts can hardly be imagined. The doctrines of those who thus deal with history should be received with great caution. The faith of their disciples must be exceedingly flexible. For not only is the right of the inferior clergy to a voice in provincial synods (to which at present our inquiry might be confined) derived from the example of the Council of Jerusalem in the apostolic age; not only from the history of the primitive Church and the general consent of antiquity to which reference[t] has before

[t] Chap. iii. sec. 7, sup.

[s] Without inquiring into the reasons why the clergy are considered ineligible as members of parliament, the subject of the "præmunientes" clause in the bishops' writs involves some curious considerations. Vid. infra, chap. ix. sec. 5.

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been made; but we find this principle rooted among the very foundations of our country's institutions, that the lower clergy should be admitted to ALL councils, whether ecclesiastical or civil, and therefore it is a principle which, as regulating the present constitution of our convocations at least, demands especial regard. If with this object a review is taken of the public assemblies detailed in this chapter, notwithstanding the meagre accounts of them handed down, it will yet be seen that plain proofs may be adduced of the constant presence of the inferior clergy in them all.

At the mixed council held in 449, "*all the clergy*[9] of the Britons met, and thus a great assembly of clerks and laity was convened." At the mixed Council of Snowdon "*the clergy*[1] *of the kingdom* were called together." At the mixed Council of Stonehenge "*all the clergy*[2]" attended; and they, together[u] with the princes, united in carrying out the measures of K. Ambrosius. At the mixed Council of Llandewy Brevi "*religious men of all orders*[3] were present." To the provincial Synod of Victory "*all*[4] *the clergy*[v] *of Wales*" were summoned. And at the provincial Synod of Augustine's Oak, besides the seven bishops, "*very many*[5] *doctors*" *of the* "*British Church*" were present. The diocesan synods are passed over, as the right of the lower clergy to a voice there could hardly be denied by those who volunteer the most reckless sallies upon historical truth. But confining our view to the mixed councils and provincial synods with which the present argument alone is concerned, it will be seen that, out of eight of those assemblies upon record during this period, there is direct evidence *in six instances* that the lower clergy were members of them. Indeed there is not the least room for doubt but that the lower clergy were members of the other two not specified; on the contrary, there is good reason to say that they were; but at any rate it is satisfactory to be able to shew by direct proofs that

[u] Spelm. Conc. i. 61.

[v] Hody, p. 17.

[9] "Cum omni clero Britonum."—Spelm Conc. i. 49.

[1] "Convocato clero regni."—Ibid. i. 60.

[2] "Consentiente rege Ambrosio Aurelio necnon *et omni clero.*"—Spelm. Conc. i. 60. Conc. Mag. Brit. i. 7, note.

[3] Vid. Hody, 16. "Virisque religiosis diversorum ordinum multis."—Conc. Mag. Brit. i. 8.

[4] "In qua convocato denuo totius Kambriæ clero."—Conc. Mag. Brit. i. 8.

[5] "Plurimis doctoribus Britanniæ."—Spelm. Conc. i. 104 in titulo.

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in six instances out of eight such was the case. Nor will this historical fact be less clear as we proceed through other periods of inquiry. It is the more necessary to press this point at a time like the present, when a most unreasonable anxiety has been shewn to divest the lower clergy in this national Church of their hereditary and indefeasible right to give their voices, either by themselves or by their proxies, even in such synodical definitions upon Church matters as come within their proper cognizance.

XXI. The clergy's counsel and advice now slenderly regarded even in matters spiritual.

Of old time in this land the counsel and advice of the clergy in all public matters was anxiously sought, highly prized, and readily attended to. And though the opinions of a learned and well-disposed body of men can hardly even in this age be deemed utterly worthless, yet since they have ceased[6] to regulate at their own will their contributions towards the common burdens, it is perhaps but matter for small surprise, that their counsel in secular matters should neither be sought, nor their opinions regarded.

But notwithstanding that this very substantial reason for consulting the clergy in civil affairs has vanished, yet as regards spiritual decisions, it does seem somewhat surprising that they should have been almost wholly supplanted in one branch of their proper office, and begrudged the discharge of those peculiar duties which are entailed upon them not only by most ancient prescription, but by divine inheritance. It supplies matter for reasonable complaint, that questions of the deepest doctrinal mystery, involving the ministration of the word to them solemnly committed by an authority not of this world at the most awful moment of their lives, should be withdrawn in cases of ultimate appeal from the synodical judgment of the Church, and remitted to a tribunal against which the gravest objections may reasonably be pleaded, and whose decisions[7], whether right or wrong, wise or foolish, defensible or indefensible, will never be admitted as conclusive in the supreme court of conscience. It is farther a fair matter for indignant remonstrance that all debatable subjects connected with the

[6] By an agreement between Archbishop Sheldon and Lord Clarendon in the year 1664

[7] μὴ 'πίτασσ' ἃ μὴ κρατεῖς.—Soph. Œd. Col. 882.

Christian Church in this land, be they spiritual or temporal, sacred or secular, should have been forcibly wrenched from the hands of those, who not only by divine right and ancient prescription may justly claim to entertain them, but who by education, experience, and habit are best qualified to deal with them; and that such matters should meanwhile afford materials for unseemly and interminable discussion in that popular assembly, which from its existing constitution, and generally from the qualifications of its individual members (though I admit with some notable and brilliant exceptions), is eminently unfitted for any such engagements.

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CHAPTER VI.

ANGLO-SAXON SYNODS AND COUNCILS.

FROM THE ACCESSION OF ARCHBISHOP AUGUSTINE TO THE DEATH OF ARCHBISHOP ATHELARD, A. D. 601—803-4.

SUMMARY.

I. Plan of this chapter. II. Necessity of distinguishing at this period between the terms "synod" and "council"—Church and State now closely united—Desirableness of such union at all times. III. Jurisdiction of the respective metropolitan sees of Canterbury and York during this period—Metropolitan see of Lichfield of short duration. IV. Roman aggression on our national Church—National Synod of Whitby. V. Fresh assumptions of power on the part of the Popes. VI. Struggles of this national Church for her just independence—National Synod of Osterfield—Mixed Council of Cliff at Hoo. VII. The Gospel spread in England mainly by efforts of the native Church—Aidan—Finan and Colman in the north—Diuma among the Middle Angles—Chad in Essex—Fursey among the East Angles—West Saxons. VIII. Presbyters in mixed councils. IX. Presbyters in national and provincial synods—Late aggressions on the rights and duties of that order in the ministry—A violence done to English history—Proofs of the point in question. X. "The Church's judgments free," a principle asserted in every age of our history—declared by mixed Council of Brasted—by K Edgar—by Magna Charta—by a public document of K. Henry VIII.'s time—by 24 Henry VIII. c. 12—by K. Charles the Martyr—by the Declaration of Rights—by the Coronation Oath. XI. Review of subject.

Διὰ τὸ μηδεμίαν ἑτοιμοτέραν εἶναι τοῖς ἀνθρώποις διόρθωσιν, τῆς τῶν προγεγενημένων πράξεων ἐπιστήμης.—POLYB. *Hist.* lib. i. c. 1.

> "Atque hic ingentem comitum adfluxisse novorum
> Invenio admirans numerum."
>
> VIRG. *Æn.* lib. ii. 796-7.

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I. Plan of this chapter.

IN the last chapter it was thought desirable to give some account, however brief, of all the public assemblies of which records remain, as held by the British Church and nation, up to the time of the accession of

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Augustine to the see of Canterbury. And this course was taken for the purpose of shewing in an especial manner how unfounded is that vulgar error, so often repeated, so sedulously propagated, and so widely believed, that the Britons were not Christians before the arrival of that missionary. It will not, however, be necessary henceforward, in prosecuting this inquiry, to enter in detail into all the matters treated of in future ecclesiastical and civil councils, except so far as they tend to elucidate the subject immediately before us, viz. the origin, antiquity, and constitution of the provincial synods or convocations of the English Church. It is certain that an inquiry into all the acts of our early public assemblies is one of deep interest, as shewing the progress of Christianity among the people, and the rules of discipline laid down for all members of the Church, whether ecclesiastics or laymen. The harmony long existing between the ecclesiastical and civil power, "the sword of Peter being united with that of Constantine," and the benefits thence ensuing to the whole community—all this affords matter of most interesting inquiry, but it would open a field of investigation too wide for our present purpose, and would extend the subject beyond any reasonable limits. A list [1], however, of all the public assemblies which took

[1] LIST OF ANGLO-SAXON SYNODS AND COUNCILS, A. D. 601—803-4.

Date. A. D.	Place.	Archbishop or Bishop.	King.	Reference.	Nature of Assembly.
605	Canterbury	Augustine	Ethelbert	Spelm. Conc. i. 126. Conc. M. B. i. 28	Mixed Council.
605	London	Augustine	Ethelbert	Conc. M. B. i. 29 ..	Provinc. Synod.
617	Cantium	Laurentius	Eadbald	Spelm. Conc. i. 131, 132. Conc M. B. i. 30	Provinc. Synod.
664	Streaneshealch, *i. e.* Whitby	Agelbert, Colman of Lindisfarne, Cedda	Earcombert, Oswy	Spelm. Conc. i. 145 Soames, 72. Collier, i. 222. Conc. M. B. i. 37. Hody, 21	National Synod. See Spelm. Conc. i. 150, and Conc. M. B. i. 37, note.
673	Hertford	Theodore	Lotharius	Spelm. Conc. i. 152. Soames, 80. Conc. M. B. i. 41. Hody, 22. Johnson's Canons, i. 88	National Synod.
680	Hatfield	Theodore	Lotharius, Egfrid, Ethelred, Aldwulf	Spelm. Conc. i. 168. Hody, 24. Conc. M. B. i. 51. Soames, 83	National Synod.
680	Northumbria ...	Eata of Lindisfarne	Egfrid	Hody, 28. Coll. i. 246. Conc. M. B. i. 55	Mixed Council.

[685 Twiford,

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place during the period now before us is appended in accordance with the plan laid down in the previous chapter; but such of their circumstances and acts are alone dwelt upon, as seem necessary for the proper elucidation of the present subject.

II. Necessity of distinguishing at

It is desirable again to remind the reader that during the present period of our history,

LIST OF ANGLO-SAXON SYNODS AND COUNCILS, A.D. 601—803-4 (*continued*).

Date. A.D.	Place.	Archbishop or Bishop.	King.	Reference.	Nature of Assembly.
685	Twiford, by river Alne	Theodore	Egfrid	Hody, 27. Conc. M. B. i. 55	National Synod.
686	Bregforde	Theodore	Ethelred	Hody, 28.....	Uncertain.
692	Bapchild, near Sittingbourne	Berthwald	Withred	Spelm. Conc. i. 189. Hody, 30. Soames, 91. Coll. i. 267. Johnson, i. 125. Conc. M. B. i. 56	Mixed Council.
693	Laws of Ina, king of West Saxons, made about this time, by which Church and State became more nearly connected; those laws embracing both ecclesiastical and civil matters			Spelm. Conc. i. 182. Hody, 33.	
696	Brasted, near Sevenoaks	Berthwald	Withred	Spelm. Conc. i. 194. Soames, 91. Hody, 31. Conc. M. B. i. 60. Coll. i. 271. Johnson, i. 139	Mixed Council.
700	Uncertain	Berthwald	.....	Hody, 40.....	Mixed Council.
701	Osterfield.....	Berthwald	Alfrid, K. of Northumbrians	Spelm. Conc. i. 200. Hody, 32. Conc. M. B. i. 64. Coll. i. 273. Lathbury, 41	National Synod.
705	Mercia, at or near Malmesbury	Berthwald	Withred	Spelm. Conc. i. 199. Conc. M. B. i. 66	Synod.
705	By the river Nidde, in Northumbria	Berthwald	Osred	Spelm. Conc. i. 203. Hody, 35 et seq. Conc. M. B. i. 67	Mixed Council.
705	Adderbourn, by river Noddr	Berthwald	Withred	Conc. M. B. i. 68. Hody, 34	Synod.
707	Uncertain	Berthwald	Ina, K. of West Saxons	Spelm. Conc. i. 208. Conc. M. B. i. 70	Synod.
Unc.	Uncertain.....	Berthwald	Ina, K. of West Saxons	Conc. M. B. i. 70 ..	Synod.
	Here are omitted the Councils of *Alne* and *London*, for reasons which may be seen in			Hody, 37. Coll. i. 286. Lathbury, 42.	
712	Uncertain	Berthwald	Ina, K. of West Saxons	Conc. M. B. i. 74 ..	Mixed Council.
738	Worcester	Nothelm	Ethelbert II. ..	Hody, 38. Conc. M. B. i. 86	Provinc. Synod.
742	*Cliff at Hoo, near Rochester	Cuthbert	Ethelbald, K. of Mercians	Spel. Conc. i. 230 Conc. M. B. i. 86	Mixed Council.
					[747 Cliff at Hoo,

* Johnson thinks that Cloveshoo signifies Abingdon. *Warner* and *Spelman* consider it to mean Cliff at Hoo. See Soames Anglo-Saxon Church, p. 113.

this period between the terms "synod" and "council."

as well as during the last, ecclesiastical and civil matters were frequently treated of at the same places and upon the same occasions. Such was the common practice during the period in which the assemblies here recounted were held. Not indeed that the laity gave conclusive voices in the definition of doctrine or the decision

LIST OF ANGLO-SAXON SYNODS AND COUNCILS, A.D. 601—803-4 (*continued*).

Date. A.D.	Place.	Archbishop or Bishop.	King.	Reference.	Nature of Assembly.
747	Cliff at Hoo, near Rochester	Cuthbert	Ethelbald, K. of Mercians	Spelm. Conc. i. 242. Hody, 38. Conc. M. B. i. 94. Coll. i. 303. 307	Mixed Council.
756	Uncertain	Cuthbert	Ethelbert II. ..	Spelm. Conc. i. 289. Hody, 40. Conc M. B. i. 144	National Synod.
785	Northumbria ..	Eanbald of York	Alfwold	Spelm. Conc. i. 291. Conc. M. B. i. 145, and note	Two Provincial Mixed Councils. Gregory of Ostia and Theophylact appeared as legates from Pope Adrian: a bad precedent.
785	Challock, nr. Charing; or Chalk, near Gravesend	Lambert	Offa..	Spelm. Conc. i. 291. Hody, 41-2. Conc. M. B. i. 145, note. Soames, 117. Coll. i. 321	
788	Finkeley, in Durham Diocese	Eanbald of York	Elfuvaldus, who died soon after	Spelm. Conc. i. 304-5. Hody, 43. Conc. M. B. i. 153	Provinc. Synod.
788	Acle, in Durham Diocese	Eanbald of York	.....	Spelm. Conc. i. 305. Hody, 43. Conc. M. B. i. 153	Synod.
793	S. Alban's	Humbert of Lichfield	Offa	Spelm. Conc. i. 309. Hody, 43. Conc. M. B. i. 154	Provinc. Synod.
793	S. Alban's	Humbert of Lichfield	Offa	Conc. M. B. i. 155 ..	Provincial Mixed Council.
794	Challock, nr. Charing; or Chalk, near Gravesend	Fifteen Bishops .	Offa and his son, and seven Kings	Spelm. Conc. i. 313. Conc. M. B. i. 157	Mixed Council.
794	S. Alban's	Athelard	Offa	Spelm. Conc. i. 314 Conc. M. B. i. 157	Mixed Council.
796	Bapchild, near Sittingbourne	Athelard	Cuthred, K. of Saxons	Conc. M. B. i. 158, and note	Provinc. Synod.
798-9	Finkeley, in Durham Diocese	Eanbald of York	.....	Spelm. Conc. i. 316. Conc. M. B. i. 161	Provincial Mixed Council.
798	Cliff at Hoo, near Rochester	Athelard	Cuthred, K. of Saxons	Spelm. Conc. i. 316. Hody, 45. Conc. M. B. i. 161, & note	Uncertain.
798	Bapchild, near Sittingbourne	Athelard	Kenulf	Spelm. Conc. i. 317. Hody, 44. Conc. M. B. i. 162	Provincial Mixed Council.
800	Cliff at Hoo, near Rochester	Athelard	Kenulf	Spelm. Conc. i. 318. Hody, 45. Conc. M. B. i. 162	Provincial Mixed Council.
803	Cliff at Hoo, near Rochester	Athelard	Egbert II.	Spelm. Conc. i. 324 Hody, 51-2. Conc. M. B. i. 166	Provinc. Synod.

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of matters purely spiritual; but they were in the habit[a] of adding legal force to such conclusions as were arrived at by the clergy on those subjects, when the civil authority deemed them desirable to be enforced by public sanctions. But though the laity did not join in the definition[b] of doctrinal matters, yet the clergy were always called in to treat of civil matters, and to add the weight of their authority in the enactment of secular laws. For these reasons it is not always easy during this period to discover at first sight a marked and specific difference between the ecclesiastical and civil assemblies, nor to determine at once whether to any given assembly the term "synod" or "council" should be applied. The negligence of writers in not marking this difference with sufficient distinctness has given rise to much misapprehension. "Mixed councils" have been represented as "synods;" and thus superficial readers have been led to infer and argue that laymen in the earlier ages of our history were constituent members of our ecclesiastical assemblies, than which nothing can be more untrue or more subversive of the principles of the Christian Church. Though accurate writers and common custom[c], both among the ancients as well as in more modern times, apply the word "synod" specifically to an ecclesiastical assembly, yet it is very certain that through carelessness this word has sometimes been applied to a civil council, in which, besides ecclesiastics, the whole body of lay nobles were constituent members. For instance[d], K. Eadmund convoked what has been described as a "large synod" in London, composed both of ecclesiastics and laymen, and which should therefore undoubtedly in strictness have been denominated a *mixed council*. And on the other hand we find instances in which those ecclesiastical assemblies have been called "councils," which nevertheless were really "synods." It is, however, evidently necessary to keep the distinction between the words "synod" and "council" constantly and clearly in view, if we would arrive at true conclusions respecting the constituent members of those assemblies respectively.

[a] Kennett's Eccl. Syn. p. 215.

[b] Kennett's Eccl. Syn. p. 249. Wake's Auth. of Christian Princes, pp. 158 et seq.

[c] Spelm. Conc. vol. i. p. 529.

[d] Ibid.

Church and State now closely united.

It has been remarked that the same time and place was frequently appointed for the consideration of ecclesiastical and civil matters, the

clergy going apart[e] when the law divine came into question[f 2]. And by this arrangement two advantages were secured. The clergy being called together as members of the "mixed council" took advantage of the occasion for settling by themselves apart questions connected with the law divine; and, on the other hand, the laity being gathered together for deliberation were ready on the spot to give secular sanction to canonical definitions, and so to invest them with the authority of temporal law. Such union of the ecclesiastical and civil power is the surest foundation of national virtue and national happiness,

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e Kennett's Eccl. Syn. pp. 214. 249. Wake's Auth. Christian Princes, pp. 158 et seq.

f Vid. Mixed Council Cliff at Hoo, A.D. 747. Conc. Mag. Brit. i. 94.

"Quam[g] pia Religio, et junctis Concordia dextris,
Et Probitas et Amor recti, comitentur euntem."

g Fracastor, Poëm. Poëm. Select. Italorum, p. 129.

Desirableness of such union at all times.

In whatever degree distrust or jealousy arises between those whose holy office it is to direct the morals of the people and enforce the sanctions of virtue, and those whose duty it is to repress acts of disobedience and to punish crime, it is very certain that national virtue will decline, and national disobedience to legitimate authority will increase in like proportion. Sir H. Spelman suggests that in early times the same assembly was called a "royal[3] council," in reference to the secular matters there considered, but a "synodal[4] council" so far as ecclesiastical affairs became the subject of debate. It is much to be lamented that such united action in matters ecclesiastical and civil as this view suggests has not been uninterruptedly maintained through every succeeding period of our history. That united action and harmonious consent arose from the fact that all there assembled, whether clergy or laity, were members of the same Church. The same individuals made up one spiritual, as well as one civil commonwealth. Far happier for England if it were so now; if now we were of one heart and of one mind. In how wholesome a strain do the words of K. Edgar, addressed to Archbishop Dunstan and his suffragans, encourage this union of the civil and ecclesiastical power for the punishment of offenders and the promotion of

[2] "Cum igitur ex diversis Britanniæ provinciis, sacri ordinis præfati præsules, cum plurimis sacerdotibus Domini et minoribus quoque ecclesiastici gradus dignitatibus, *ad locum synodalem* cum prædicto Venerab. Archiep. Cuthberto convenerunt," &c.—Conc. Mag. Brit. i. 94.

[3] Concilium regium.

[4] Concilium synodale.

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the glory of God. "I bear," said he, "the sword of Constantine, you the sword of Peter; let us then join our right hands—ally sword to sword, that the lepers may be cast out of the camp, the sanctuary of the Lord cleansed, and that the sons of Levi may minister in the temple[h]." But in later times of our history principles far different from these have prevailed. This complaint was very justly addressed to an English monarch: "There[i] lack not such as wish that the cross, the symbol of the Church, should be displaced from the royal diadem, and that the lily, the emblem of the world, should alone shine there." How speedily followed, after these words were penned, that time, disastrous in the annals of our country, when "those two sister[ii] columns (the ecclesiastical and civil power) which had long sustained the citadel and crown of this kingdom were dishonoured and violated." May an all-protecting Providence defend this country against the repetition of such events!

[h] Spelm. Conc. i. 477.

[i] Spelm. Conc. pref. pag. ult.

[ii] Ibid.

" . . . . ne[j] tanta animis adsuescite bella,
Neu patriæ validas in viscera vertite vires."

[j] Virg. Æn. vi. 833-4.

III. Jurisdiction of the respective metropolitan sees of Canterbury and York during this period.

During the period of our national history now before us many changes occurred in the limits of the jurisdiction of the Saxon kings. But notwithstanding these convulsions there may be observed generally, at least so far as ecclesiastical matters are concerned, a due proportion of metropolitical power conceded to the respective sees of Canterbury and York. It has been observed that previously to the arrival of Augustine, Theonas, metropolitan of London, and Thadiocus, metropolitan of York, had fled, about the year 586 or 587[k], from the cruelties of Saxon persecution, and had retired to Wales, seeking there a refuge among the Christians of the province of Caerleon-upon-Usk. In fourteen or fifteen years afterwards Augustine was established as archbishop of Canterbury, and assumed much of the metropolitical power which formerly belonged to the see of London. But a longer time elapsed before the metropolitical power of the see of York was revived. This took place nearly thirty years afterwards, in the person of Paulinus[l], about A.D. 630. A check was, however, again placed upon the power of that see by the death of Edwin, king of Northumbria, at the battle of Heth-

[k] Collier, i. 144.

[l] Collier, i. 200.

felt[m] (Hatfield[n] Chase, near Doncaster), and by the ravages of the united armies of Caedwalla and Penda, kings respectively of the Britons and Mercians. In consequence of these events Paulinus retired to Rochester, and the see of York[o] was removed to Holy Island for a season. But the jurisdiction was again brought back, and the metropolitical power revived at York, about one hundred years afterwards, when Egbert, one of the royal family of the Northumbrians, and brother[p] to K. Eadbert, regained the ancient privileges of that see in the year 736. and asserted his authority over the bishops north of the Humber as his suffragans. To such a course he seems to have been urged by the advice of the Venerable Bede, who wrote a letter full of "pious zeal and integrity" from the seclusion of his monastery of "Jarrow, not far from[q] the mouth of the Tyne, within the bishopric of Durham." In this letter, addressed to Egbert by its venerable author[r] during his last illness, these notable words occur: "It is your province[s] to take care that the devil does not get the ascendant in places dedicated to God Almighty; that we may not have discord instead of quietness, and libertinism instead of sobriety." Between the retirement of Paulinus and the revival of the metropolitical power at York by Archbishop Egbert, it is probable that the prelates of the northern province were contented with their diocesan authority; and this probability is increased by the historical fact that some of the northern synods and mixed councils held during that period, such as Osterfield, 701, and Nidde, 705, were presided over or attended by Berthwald, archbishop of Canterbury.

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[m] Collier, i. 201.
[n] Churton's Early Eng. Ch. p. 64.
[o] Coll. i. 233. 237.
[p] Coll. i. 296.
[q] Coll. i. 294.
[r] Ibid. quoting Bede ad Egbert, p. 261.
[s] Coll. i. 294.

Metropolitan see of Lichfield of short duration.

During the period now under view it is also needful to remark that a metropolitan[t] see was established at Lichfield, chiefly[u] by the influence of Offa, the powerful king of Mercia. By his management the Bishops of Hereford, Worcester, Leicester, and Sydnacester, in Mercia, and the Bishops of Helmansted and Dunmoc, among the East Angles, became suffragans to the new metropolitan of Lichfield. This project was set "on foot[v] in the year of our Lord 765;" and Lambert, then archbishop of Canterbury, was shortly afterwards deprived of a large portion of his province, retaining only within his juris-

[t] See Innett, Orig. Ang. p. 200.
[u] Innett, Orig. Ang. pp. 200, 201.
[v] Matt. Westminster, Flor. Hist. An. Grat. 765, quoted by Coll. i. 319.

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diction the four sees of London[w], Winchester, Rochester, and Selsea. This unjust spoliation, however, of ancient rights did not long prevail. At the most the metropolitical power of Lichfield was not maintained longer than about thirty years; for in 798, at the instance of Kenulf, king of the Mercians, "a brave victorious general and a devout Christian, no less humble and condescensive in his temper than great in his dignity and success[x]," the archbishopric of Lichfield was extinguished, and the bishop of that see was made a suffragan[y], as formerly, of Canterbury. During the existence of the metropolitan power at Lichfield, Humbert held that see; but it does not appear that more than two assemblies were either presided over or attended by him within that province, viz. a provincial synod at S. Alban's, in 793, and a provincial mixed council at the same place in the same year. The short duration of this archbishopric, and the small share which the metropolitical power there established seems to have had in the assembling of councils—the subject now specially before us—renders it unnecessary to dwell longer upon the matter. Having thus adverted to it, it may be said as regards the period of the heptarchy, that though the several kingdoms were for the most part independent in civil affairs, yet that there was a more intimate union in spiritual matters; and that the metropolitan power of the sees of Canterbury and York was generally acknowledged, subject only to such interruptions as have been before mentioned.

[w] Coll. i. 320.

[x] Coll. i. 338.

[y] Coll. i. 339, 340.

And this view may tend to smooth in some measure that difficulty which has been started, as regards the presence of the kings of Mercia at several of the Kentish councils. This difficulty has induced some writers to suppose that Cloveshoo, where several public assemblies were held, must signify some place within the kingdom[z] of Mercia, and that place has been supposed by them to be Abingdon, in Berkshire. But if it is borne in mind that considerable union in spiritual affairs was secured among the several kingdoms of the heptarchy, arising from the general acknowledgment of the metropolitical powers of Canterbury and York, then the presence of Saxon sovereigns at councils on ecclesiastical matters, held in places without their civil jurisdiction, need be no cause for surprise, and we may be content to assign to Cloveshoo the locality

[z] Vid Johnson's Eng. Canons, vol. i. p. 293. Edit. Oxford, 1851.

generally admitted, viz. Cliff at Hoo, near Rochester; and to Chealcuith, that of "Challock" or "Chalk," in Kent. A. D. 601—803-4.

A general acknowledgment[5] therefore during this period, allowance being made for the exceptions above mentioned, of the metropolitical power of the sees of Canterbury and York may be traced, notwithstanding the divisions and changes which prevailed in civil jurisdiction. A very clear instance is found in the case of the canons passed in the year 785. Those canons were decreed in a Northumbrian "provincial[a] mixed council," in the presence of Alfwold, the king, his lords, and Eanbald, the archbishop of York, with his suffragans. And the same canons were simultaneously passed in the Kentish "provincial[b] mixed council" of Challock or Chalk, in the presence of Offa, his lords, Lambert, archbishop of Canterbury, and his suffragans. From this date therefore (785) we may trace afresh a clear and separate jurisdiction of the Canterbury and York Synods. The sanction of the two provinces was here sought and obtained to the same code; a conjoined sanction which must still be sought and obtained from the Convocations of Canterbury and York before any ecclesiastical constitution can become binding "in foro conscientiæ" upon all members of the Church in England.

[a] Spelm. Conc. i. 291.

[b] Conc. Mag. Brit. i. 145, note.

IV. Roman aggression on our national Church.

Augustine and his missionaries had no sooner gained a footing in this country than their earnest endeavours were directed to bring our native Church under the jurisdiction of the see of Rome. Their labours in preaching the Gospel to the pagan Saxons are worthy of all praise and gratitude. Their endeavours to establish foreign jurisdiction are of something more than a questionable character. Our British forefathers might fairly have replied to such endeavours, in the words of the heathen poet:

"Interea[c] sacra hæc, quando huc venistis amici
Annua, quæ differre nefas, celebrate faventes
Nobiscum, et jam nunc sociorum assuescite mensis."

[c] Virg. Æn. viii. 172-4.

In the prosecution of our subject, and confining our attention chiefly to the matter of synods and councils, it is interesting to trace the recurring aggressions of Roman authority during the period now under review; and to observe the growing influ-

[5] As regards the metropolitical power of the see of S. David's, see Collier, vol. i. pp. 473, 474; and chap. iii. sec. 2, sup.

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ence obtained by the Popes on the one hand, and, on the other, the continual resistance of the English Church against pretensions which she was most loath to admit. It was always felt by the Roman party that differences in rites and customs were an unanswerable argument against their pretension to universal sovereignty, for such a distinction afforded plain evidence that the Britons had not originally received the Christian faith from Rome. Against such rites, and ceremonies, and customs, as distinguished the British from the Roman Church, endeavours were therefore continually and untiringly directed. Thus, as we have seen in the previous chapter, at the "provincial Synod" of Augustine's Oak, the pertinacious determination of Augustine to force the Roman calculation of Easter, and the Roman mode of baptism, upon the British bishops and clergy, prevented Christian union from being then established.

National Synod of Whitby.

The same endeavours to subjugate[d] the English Church to Roman authority were made, and unhappily with better success, at the national Synod of Whitby, A.D. 664. The contention there was renewed respecting the mode of calculating Easter, and another matter respecting the ecclesiastical tonsure was also introduced. Unhappily a victory was there obtained over our national Church, resulting in some measure, it is said, from an expression[e] of K. Oswy, partaking rather of unseemly merriment than of deliberative solemnity. The national[f] divines insisted upon their traditions, as received from S. John, the beloved disciple. The champions of the foreign party rested their cause upon the Roman traditions attributed to S. Peter, who, as they said, was intrusted by Christ with the keys of the kingdom of heaven. "Were[g] they really intrusted to him?" is the question which Oswy is represented as having asked. "Undoubtedly so," was the reply. "Can you allege the grant of any such privilege to an authority of yours?" was the inquiry then made by Oswy, and addressed to the representatives of the British Church. "We cannot," replied Colman, bishop of Lindisfarne, their spokesman. "I must[6]

[d] Innett, Orig. Ang. pp. 61, 62.

[e] Wake's Authority Christian Princes, p. 167.

[f] Soames, Anglo-Saxon Ch. p. 72.

[g] Ibid.

[6] "Hujus cupio in omnibus obedire statutis, ne forte me adveniente ad fores regni cœlorum non sit qui reseret, adverso illo qui claves tenere probatur."—Bede, iii. 25, p. 236, quoted by Soames, Anglo-Sax. Ch. p. 73.

obey the doorkeeper then," replied Oswy, "in all his commands, lest when I approach the gates of heaven there be none to open, if he who is allowed to hold the keys should oppose my entrance." Metaphors in pure argument are always dangerous: they are untrustworthy either for offence or defence. The royal champion here descended into the lists of controversy with such weapons, totally unworthy of the cause in which they were employed. It is certain that the same words and acts, which in the case of obscure persons would excite ridicule or provoke disgust, are frequently applauded[7] in the case of the great and noble. Thus the royal argument proved, in a great measure, persuasive; the ancient usages of Britain received a heavy discouragement; and the Roman party gained a considerable advantage. A victory won by such means hardly, however, supplies just cause for triumph.

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V. Fresh assumptions of power on the part of the Popes.

Other advances of the Roman power against British ecclesiastical liberty may be traced in a clear chronological order during the period before us. Within five years after the national Synod of Whitby a fresh advance was made by Pope Vitalian in the appointment of Theodore, a monk[h] born at Tarsus, in Cilicia, to the metropolitan see of Canterbury, charged with a primacy over the whole Church in England. This was a fresh assumption of power vainly indeed desired by Augustine, but which was now unfortunately and very improperly permitted by our insular princes, who were "wearied[i] by the animosities of contending parties." Another advance of Rome under the influence of Theodore may be discovered in the first canon of the national Synod of Hertford[j], A.D. 673, by which the Roman calculation of Easter became more fully confirmed. And, by the way, it is much to be wished that the second canon of that synod had been in that age more justly understood and more strictly enforced—a canon which enacted that "no bishop should invade another's diocese, but be content with the government of the flock committed to his charge." It is a canon against which the Bishop of Rome was a notable transgressor at that time in this land. Another fatal advance of

[h] Soames, Anglo-Sax. Ch. p. 78.

[i] Soames, Anglo-Sax. Ch. p. 78.

[j] Conc. Mag. Brit. i. 41.

[7] τὸ δ' ἀξίωμα, κἂν κακῶς λέγῃς, τὸ σὸν
πείσει· λόγος γὰρ ἔκ τ' ἀδοξούντων ἰὼν,
κἀκ τῶν δοκούντων αὐτὸς, οὐ ταυτὸν σθένει.—Eur. Hec. 293-5.

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Rome upon the liberty of the English Church may be recognized in that unhappy precedent which took place in the year 785, when Gregory of Ostia and Theophylact appeared as legates from Rome in the "provincial mixed Councils" of Northumbria and Challock or Chalk. These legates declared that they were the first priests who had been sent from Rome since Augustine; and in the words of Johnson[k], "it were to be wished they had been the last too that came upon such an errand." Another step was gained by the erection of Lichfield into a metropolitan see under the auspices of Rome on the part of Pope Adrian; and still another when Archbishop Athelard, in the "provincial Synod" of Cliff at Hoo, A.D. 803, declared that Pope Leo's authority[l] had been obtained to restore to Dover (*i.e.* Canterbury) the jurisdiction which had been obtained for Lichfield from his predecessor Adrian. In such instances we see the advances of the Roman power, and the gradually increasing influence which it was exerting over the British Church.

[k] Preface to Canons of Chealcuith, A.D. 785.

[l] Spelm. Conc. i. 324.

VI. Struggles of this national Church for her just independence —National Synod of Osterfield.

But then, on the other hand, during the period now before us we may see from time to time the struggles of our national Church for her just independence. These we may trace in the answer[ll] of the British bishops and clergy to Augustine at the second session of the provincial Synod of Augustine's Oak,—in the repeated rebuffs which Wilfred met with, though supported by papal authority,—and in the solemn decision of the national Synod of Osterfield, A.D. 701, against him. Indeed, the conduct of that assembly, held under Archbishop Berthwald, is remarkable as testifying that an Anglo-Saxon synod did not then deem itself to be subject to papal interference, and that the English bishops did not then feel themselves[m] obliged to be governed by the see of Rome. For Wilfred himself, in regard to whose case this national synod was convened, reproached the members with open opposition[n] to the papal authority for twenty-two years together. And to give a farther assurance of the claim of independence on the part of our national Church, we find this synod declaring that the see of Rome "could[o] not interfere with an Anglican council," and that their decrees could not be altered by Roman authority. Upon Wilfred's declaring

[ll] Sup. chap. v. sec. 3.

[m] Collier, Eccl. Hist. i. 274.

[n] Spelm. Conc. i. 201.

[o] Lathbury, Hist. Conv. quotes Labb. & Coss. vi. 1382. 1384, 1385.

against the proceedings and appealing to Rome, he was charged by Archbishop Berthwald "with contumacy[p] for preferring the judgment of a foreign see to a synod of his own country." In respect of Wilfred, who was so apt to appeal from native to foreign authority, Alfrid, then king of Northumbria, said that "he would not[q] communicate with one that had been twice condemned by a synod of almost all the bishops in Britain: to stand out against such an authority was so irregular a practice that no recommendation or sentence of the apostolic see should make him pass it over." Thus neither the authorities in Church or State seemed at that time willing to recognize papal authority as supreme over the authoritative acts of an English synod.

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[p] Collier, Eccl. Hist. i. 274.

[q] Collier, i. 277.

Mixed Council of Cliff at Hoo.

Another instance of Anglo-Saxon resistance to Roman usurpation may be traced at this time in the circumstances[r] connected with the "mixed council" held[s] at Cliff at Hoo in 747. Boniface, an Englishman, archbishop of Mentz, had forwarded to Cuthbert, archbishop of Canterbury, a copy of some canons which had lately been enacted in a synod at Augsburg, the first of which admitted the authority of Rome over that part of the Church in Germany which the synod represented. These were meant to be in some sort a guide for the proceedings of the Anglo-Saxon council. But though the assembled clergy and laity at Cliff at Hoo adopted to some extent those Augsburg Canons, yet they fell very short of acknowledging the papal supremacy. There was a very plain[s] badge of servitude to Rome patent upon the face of these Augsburg Canons, which Boniface had sent to Cuthbert as models upon which to found the decrees about to be passed in the Anglo-Saxon council. But our forefathers assembled at Cliff at Hoo were so far from copying any such precedent, that their very first canon seems to be specially drawn up in opposition to the encroaching claims of Rome. It was decreed "that[t] every bishop should be earnest in defending the flock committed to him and the canonical institutions of the Church of Christ, with all his might, against *all sorts of rude encroachment*." Such a canon, passed under such circumstances, would seem naturally to

[r] See Innett, Orig. Ang. p. 174.

[s] Spelm. Conc. i. 242. Conc. Mag. Brit. i. 94.

[t] Conc. Mag. Brit. i. 95. & Collier, i. 303.

[s] "Confessi sumus fidem catholicam, et unitatem, et subjectionem Romanæ Ecclesiæ, fine tenus vitæ nostræ velle servare."—Epist. Bonif. Conc. Mag. Brit. i. 91.

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point to that well-known decree of the Council of Ephesus, which enacted that, "no[u] bishop shall exercise any jurisdiction in a foreign province which has not been under the government of his predecessors from the first planting of Christianity;" and "that the original[uu] rights which every province has enjoyed from the beginning shall be secured to them entire and undiminished according to the course of ancient custom." "Let[9] the ancient customs prevail" was the golden declaration of the Council of Nice, and involved in it is that principle of primitive independence on the see of Rome, which the Council of Cliff at Hoo appears here desirous of maintaining. Its second canon evidently looks also the same way. The bishops were commanded[v] "to keep[w] the bonds of sincere charity and concord in all religious observances, *without any flattering applications to any person*, considering that they are the servants of the same Master and intrusted with the same commission[x]." This surely, considering the antecedents of the case and the occasion, appears to have had a very definite object. It seems to have been drawn up purposely to guard the liberties of the English Church. For though the Pope is not mentioned, yet the fact of the bishops being obliged to govern themselves according to the ancient canons, and at the same time forbidden "to flatter[xx] any person on the score of his ecclesiastical distinction," carries upon its face a very significant intention of rejecting that precedent for servitude to Rome, which was contained and recommended in the Augsburg Canons.

[u] See Coll. i. 84.

[uu] Ibid.

[v] Innett, Orig. Ang. p. 176.

[w] Conc. Mag. Brit. i. 95.

[x] Conc. Cloveshoo, A.D. 747, can. 2.

[xx] Coll. i. 304.

In these and such like instances we may trace the continual struggle on the part of the Church in this country against the constant encroachments and pertinacious aggressions of the Roman see. It was thus that for a while we defended the remains of our just liberties.

VII. The Gospel spread in England during this period mainly by efforts of the native Church.

While, however, observing these struggles, and lamenting over that gradual surrender of the ancient rights of our Church, which in after ages ended in her complete subjection to papal tyranny, it is just matter for satisfaction to

[9] τὰ ἀρχαῖα ἔθη κρατείτω, τὰ ἐν Αἰγύπτῳ καὶ Λιβύῃ καὶ Πενταπόλει, ὥστε τὸν Ἀλεξανδρείας ἐπίσκοπον πάντων τούτων ἔχειν τὴν ἐξουσίαν, κ.τ.λ.—Conc. Nic. can. 6.

remember that it was by the efforts of native[y] missionaries, rather than by the influence of Roman teachers, that the knowledge of the Gospel spread among the Saxons during the period now under our view. When Rome afterwards asserted her full authority here, it may be said of her that other men had laboured, and that she entered into their labours. Indeed, so far from the Gospel having been mainly propagated during this period from the southern parts of this island under the influence of Augustine or his followers, it appears from history that the south is rather indebted to the north for that blessing; and that the heralds of good tidings, whose feet carried them to preach the Gospel of peace, were natives of the soil and members of the ancient Church of Britain.

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[y] Innett, Orig. Ang. p. 55.

Aidan.

Oswald[z], a Briton, who had embraced Christianity in Scotland, and whose conversion must be attributed to the influence of the native Church, having established himself in great power in Northumbria, determined on christianizing the people under his government. For this purpose he obtained the assistance of Aidan, a man of holy character and rare merit, a Scotch ecclesiastic, who was consecrated bishop, and fixed his see at Lindisfarne[a], or Holy Island, on the coast of Northumberland, and a few miles south of Berwick, A.D. 635. It is plain that no regard was here shewn for papal jurisdiction, as Gregory, in his instructions given to Augustine about forty years previously, had ordered "the principal see[b] for the northern parts to be settled at York."

[z] Soames, Anglo-Sax. Ch. p. 68.

[a] Collier, i. 204.

[b] Collier, i. 204.

Finan and Colman in the north.

To Aidan[c] succeeded Finan and Colman, both Scots, not only unconnected with Rome, but eager to resist on all just occasions her undue assumption of authority over the native Church, and her innovations on the tenets of the national faith. Under these prelates the north of England was afresh evangelized, and the knowledge[d] of the truth, which had been well-nigh extinguished by our Saxon invaders, was again preached among the people.

[c] Soames, Anglo-Sax. Ch. p. 68.

[d] Innett, Orig. Ang. p. 55.

Diuma among the Middle Angles.

From the north the blessings of the Gospel then spread southward, and the conversion of the Middle Angles[e] ensued. The hand of the Northumbrian Princess Athflede, daughter of Oswy, was sued for in marriage by Peada, son of Penda, king of the Mercians; but she would only consent to the union on condition of her

[e] Collier, i. 215.

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suitor becoming a Christian. When the great doctrines of Christianity were submitted to him, and the hopes of a future resurrection[f] and a glorious immortality were held out to him, he was so deeply affected as to declare that he would become a Christian, even though the princess should refuse to become his wife. Under these circumstances Peada was baptized, together with his followers, by Finan, who had then succeeded to the bishopric of Lindisfarne. Under such auspices Diuma[g] was consecrated bishop of the Mercians, or Middle Angles, and taking with him three English priests[h], Cedda, Atta, and Betti, preached both to the nobles and common people of that division of our country, who were persuaded in great numbers to renounce paganism and to be baptized into the Church. Thus from members of our native Church central England received the glad tidings of salvation.

[f] Collier, i. 216.

[g] Soames, Anglo-Sax. Ch. quotes Bede, iii. 21, p. 219.

[h] Innett, Orig. Ang. p. 57.

Chad in Essex.

From the same quarter the kingdom of Essex, that part of the country chiefly comprised in the modern diocese[i] of London, received again the blessings of the Christian faith. Since the failure of Mellitus heathenism seems to have prevailed there; but now Chad[j], a native Christian, was solemnly consecrated[k] as bishop of that district by Finan; and having repaired from Northumbria, at this time the cradle of our national faith, he pursued his labours in Essex, which were crowned with success; and its inhabitants were thus reclaimed from Gentile superstitions. Priests and deacons were ordained[l] by this bishop to assist him in his pious work; a monastery was commenced under his auspices at Tilbury on the Thames; several churches were built, and the interests of Christianity wisely and effectually promoted, in that country committed to his charge.

[i] Soames, Anglo-Sax. Ch. p. 69.

[j] Innett, Orig. Ang. p. 58.

[k] Collier, i. 217.

[l] Collier, i. 217.

Fursey among the East Angles.

Even among the East Angles, inhabiting the modern counties of Norfolk and Suffolk, though the prelates appear to have been in communion with the Church of Rome after Augustine's arrival here, yet the conversion of the people "was[m] greatly owing to the labours of Fursey, an Irish monk."

[m] Soames, Anglo-Sax. Ch. p. 69.

Thus only two counties between the south of Scotland and the Thames, during the period of the revival of Christianity in England, were under Roman superintendence; and even in

those two the labours of a native Christian were greatly instrumental in evangelizing the people. As regards all the remaining country between Edinburgh and the mouth of the Thames (for the southern[n] counties of Scotland were included in Northumbria), it was indebted for the recovery of the Christian faith to the native Church of Britain. A.D. 601—803-4.

[n] Innett, i. 60.

West Saxons.

It must be allowed that the West Saxons derived much of their religious instruction from Birinus[o], a Roman monk. But, on the other hand, it must also be borne in mind that the Church among the West Saxons was much indebted for its advancement to the establishment of an episcopal see at Dorchester, in Oxfordshire. In this good work Oswald, king of Northumbria, was mainly instrumental. To that king, a member of the British Church, and a staunch supporter of her independent rights and of the ancient national faith, the West Saxons owed a large debt of gratitude for the part he took in promoting Christianity among them.

[o] Soames, Anglo-Sax. Ch.

Such considerations as the foregoing warrant us in dating back the origin of our Church to native sources; and they help to supply us with arguments in defence of her rightful independence. That independence was gradually wrested from her. Her birthright was taken away "with subtilty[p];" she was well-nigh deprived of her blessing also. That independence once lost, was only regained by struggles so violent as to endanger her very existence; but by God's blessing she did recover, and now enjoys it. Yet still she requires the united prayers, and vigilance, and labours of her sons, if they would maintain her birthright inviolate, and secure for her that blessing which only is attached to a faithful guardianship of her just inheritance.

[p] Gen. xxvii. 35.

VIII. Presbyters in mixed councils.

It comes within the scope of our present inquiry to consider, as regards one point, the constitution of the *mixed councils* of this period, as well as of the national and provincial synods; and for this reason, that though questions of the law divine were then settled by the spiritualty alone[q], yet external Church affairs were often treated of in the mixed councils, and so became the subjects of their enactments. Now of the king, the archbishops, the bishops, the principes, optimates, duces, sapientes,

[q] Kennett, Eccl. Syn. p. 249. Wake's Auth. pp. 158 et seq.

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or wites, it is not necessary here to speak; they are allowed on all hands to have been constituent members of the "mixed councils," though, as regards the last five mentioned members of those assemblies, it is not generally agreed by what election or exact arrangement they were appointed. But there were other members of the "mixed councils," abbots and presbyters, men of the second order in the ministry of the Church; and since complete success has attended the endeavours of those in this country whose object has been to deprive that order of any direct voice in secular matters; and still further, since there is no small anxiety shewn to deprive them of giving their voices even in spiritual matters, it seems not out of place to shew that no precedent for either of such exclusions can be found in the ancient institutions of this country. Let us see, then, how the matter stands during this period under review, as regards the admission of the second order of the clergy to the "mixed councils" of this nation.

At the mixed council of Bapchild, near Sittingbourne, A.D. 692, eight[r] out of the eighteen signatures attached to the decrees are those of presbyters.

[r] Hody, p. 30.

The laws of the West Saxons, embracing both ecclesiastical and civil affairs, were enacted under K. Ina, about A.D. 693, in a "mixed council" or "wittena-gemote," consisting of bishops[s], senators, the wise elders of the people, together with a great number of the "*inferior clergy*"—for in this sense the expression "*magna servorum Dei frequentia*" is understood by the learned[t].

[s] Spelm. Conc. i. 182.

[t] Hody, 33.

At the mixed council of Brasted, near Sevenoaks, held A.D. 696, there were assembled K. Withred, Archbishop Berthwald, Gybmund, bishop of Rochester, and "*all persons holding any rank of the ecclesiastical order*[1]."

Of the mixed council held A.D. 700, it is mentioned that the decision was approved "*by*[2] *all the clergy*."

At the mixed council of Cliff at Hoo, A.D. 747, there were present "*very*[3] *many priests and ecclesiastics*," together with Ethelbald, and his princes and great men. And it is worthy of

[1] "Omnes ecclesiastici ordinis dignitates."—Conc. Mag. Brit. i. 60.

[2] "Placuit idem etiam omni clero et laicis permultis." Hody quotes Life of Boniface.

[3] "Sacerdotes et ecclesiasticos plurimos."—Spelm. Conc. i. 242.

remark in this council, when consultation was had concerning "the unity[u] of the Church and the state of the Christian religion," and Archbishop Cuthbert was joined in council "*with*[4] *many priests and ecclesiastics* of inferior dignity," that all "EQUALLY took their seats in council[5]," while joining in deliberation on the subjects brought forward.

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[u] Hody, 39.

In the account of the mixed council held at Challock, or Chalk, A.D. 785, presbyters, among others, are found as having "agreed[6] and subscribed."

At the mixed council of Finkeley, A.D. 798-9, there were "*very many princes and clergy*[v]."

[v] Conc. Mag. Brit. i. 161.

In the accounts of several of the other "mixed councils" of this period there are expressions used which probably were intended to include the presence of presbyters, as when it is said that Archbishop Athelard attended at the mixed Council of Bapchild, A.D. 798, together with bishops, and abbots, and "many[7] other fitting persons;" or when there were said to be collected at the mixed council of Cliff at Hoo, A.D. 800, besides the metropolitan, bishops, dukes, and abbots, "*men*[8] *also of each rank*." But only to mention such expressions in passing, and without insisting upon them for the present argument, enough direct evidence has been adduced to prove that the second order of the clergy were admitted as constituent members of the "mixed councils" of this period. Not a hint is meant here to be suggested that it would be well for the lower clergy to be admitted as members of the civil legislature at this day. No opinion is here ventured upon on the subject; on the contrary, the full weight of that argument is admitted, that men of so sacred a calling, to whom, each in his respective sphere, the ministration of the word and sacraments are committed—that men whose holy office it is to visit the fatherless and widows, to supply help to the needy and comfort to the mourner, may be more usefully and more blessedly employed in the discharge of those unobtrusive

[4] "Plurimis sacerdotibus Domini et minoribus quoque ecclesiastici gradus dignitatibus."—Hody, 39.

[5] "Pariter consederunt."—Spelm. Conc. i. 245.

[6] "His quoque saluberrimis admonitionibus *presbyteri*, &c. &c. . . . uno ore consentimus et subscripsimus."—Conc. Mag. Brit. i. 151.

[7] "Multis aliis idoneis personis."—Conc. Mag. Brit. i. 162.

[8] "Cujuscunque dignitatis viros."—Ibid.

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duties, than by descending into the lists and mingling in the strife of the political arena. But these facts of history are here adduced simply for the purpose of shewing, that the total exclusion of the lower clergy, from all participation whatever in the English civil legislature, cannot be traced back to ancient precedents, has no foundation in the original institutions of our country, and that the jealousy which some modern writers appear to take so much delight in exciting against them is a feeling of comparatively mushroom [9] growth.

IX. Presbyters in national and provincial synods.

But a topic now comes in its turn more closely allied to our present inquiry—the presence of presbyters, the second order of the clergy, in the "national" and "provincial synods" of this period. The presbyters of the English Church may well be content, as was hinted in the last section, to be almost the only subjects of this realm who lie under a disability to tender their counsel or give their voice in civil matters. They may be content, in consideration of the holy duties incumbent upon them requiring their constant attention, and in consideration of the sacred office they hold rendering it desirable that they should keep themselves unspotted from the world—they may be content for these reasons to lie under disabilities which are imposed on them in common only with their Hebrew fellow-subjects.

Late aggressions upon the rights and duties of that order in the ministry.

But there is an aggression, not so much upon their rights, as upon their duties, to which the presbyters of the English Church, the second order of her ministry, never will silently submit. There are disabilities to which endeavours have been made to subject them, against which it will be the duty of the faithful laity of this Church, should such endeavours be continued, most loudly, and it is to be hoped effectually, to remonstrate. Every presbyter in this national Church has bound himself at the most solemn hour of his life to "be ready with all faithful diligence to banish and drive away all erroneous and strange doctrines contrary to God's word [w]." And upon this his promise he has received from the Lord

[w] Ordering of Priests.

[9] Vid. infra, chap. ix. sec. 5. The "præmunientes" clause in the bishops' writs is worthy of consideration by the curious in constitutional history on this point.

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Jesus Christ, through a direct apostolical channel, "authority to preach the word of God and to minister the holy sacraments[x]." But how can he faithfully exercise that authority? how can he be said to fulfil his solemn promise of "banishing and driving away all erroneous and strange doctrines," if he willingly allows the authoritative interpretation of that word, which, be it remembered, is the highest exercise of its ministration, and the declaration of doctrine thence ensuing, to be withdrawn from the sacred synods of this nation, where either by himself or his representative, his voice alone can be heard, *i.e.* heard authoritatively, and to be transferred elsewhere, as though he had himself neither part nor lot in this matter?

[x] Ordering of Priests.

The presbyters of the English Church claim the right and duty of ministering the word in its highest and most emphatic sense, and of giving their voices in synodical definitions of doctrine, as an inheritance entailed upon them from the apostolic and primitive ages, and as handed down to them from the earliest synods of Britain. That right and that duty lie at the very foundation of our ecclesiastical institutions; they are involved in the original elements of our Church. They are for her a divine heirloom inherited by our forefathers, entailed by them on this generation in sacred trust for those yet to come. And it would be an evil supposition to admit that the churchmen of this age will fail to act in accordance with the words of the Athenian orator, when he exhorted his countrymen "to prove themselves not unworthy of their predecessors, to repel encroachments by all just means, and to strive to hand down that which they had themselves inherited unimpaired to posterity[1]." It was ever the policy of Rome to deprive the English presbyters of their just rights in this respect, and, by throwing all authority into the hands of archbishops and bishops appointed or nominated by the papal see, to bring our Church into servitude. It is certain that in proportion as Roman influences prevailed, the authority of presbyters declined; and this scheme of papal policy was advanced not only by centralizing all authority at Rome, whenever and how-

[1] *ὧν οὐ χρὴ λείπεσθαι, ἀλλὰ τοὺς ἐχθροὺς παντὶ τρόπῳ ἀμύνεσθαι, καὶ τοῖς ἐπιγιγνομένοις πειρᾶσθαι αὐτὰ μὴ ἐλάσσω παραδοῦναι.*—Thucyd. Hist. lib. i. c. 144.

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ever such an object might be attained; not only by enlarging episcopal power over the inferior clergy, but by promoting to the offices of the highest dignity either absolute foreigners, or at least such as were imbued with Italian predilections. Thus the action of the national Church was crippled, her independence was diminished by insensible degrees, and the establishment of such a supremacy over her was ultimately secured as was unknown to the Apostles, unheard of in the primitive Church, and most stoutly aforetime resisted in this our country. But the policy of all aggressors against the rights and liberties of the Church, whether their objects are spiritual authority or the increase of temporal power, seems to agree in one point, that is, in an endeavour to depress the second order of the ministry, and to transfer all jurisdiction to the hands of a few, who may be more easily persuaded or more readily restrained.

Whenever an unwarrantable stretch of power is contemplated, numbers in opposition are wont to be deemed inconvenient. That policy which once rendered Rome supreme here, and cast us all but hopelessly at her feet, should be in all reason viewed in the light of a warning, and against any attempt of a like character, or supported by like means, every member of the Church, be he ecclesiastic or layman, should lift up his voice, if he would have her doctrine, her discipline, and her integrity maintained inviolate.

A violence done to English history.

It is a matter for reasonable surprise, that the contrary course should have been upon any occasion taken by such as enjoy the blessing and privilege of being members of this Church. Yet an extreme anxiety has been manifested to deprive the second order of the ministry of any voice in ecclesiastical matters. This has been attempted in various ways. One rather remarkable way has been to commit some violence upon English history. It has been declared that our provincial synods—the convocations—each composed of the metropolitan, his suffragans, and certain presbyters, take date only from the time of K. Edward I., and that their constitution is based upon a political plan of that monarch for replenishing his exchequer. But this is more than appears upon inquiry. Without offence I hope it may be said, that it is unsafe to take such state-

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ments of political partisans upon trust, and hardly prudent to publish them at second hand. The records of K. Edward I.'s reign would supply more trustworthy evidence in such a case, and might more usefully, if not more satisfactorily, be consulted. Besides, the existence of earlier pages in our country's history should not be so summarily set aside.

The records of our provincial synods during the reign of K. Edward I. will be considered in their proper place when we arrive at that point of the history[xx]. But it is at this time right to consider how the matter stood with regard to the presence of presbyters in national and provincial synods during the period now before us; and it will hardly appear fair usage of history to quote the acts of K. Edward I., his needs and his exactions, as having first caused the introduction of presbyters into our country's larger synods. The authority of more ancient precedents for their rights in this respect will not fail. It would argue a better knowledge of the past, and a fairer representation of the truth, to quote that monarch's conduct as directed rather to deprive the clergy of the common rights of citizenship, than as tending to enlarge their authority or increase their privileges.

[xx] Vid. inf. chap. ix.

Proofs of the point in question.

But for the present, to confine ourselves entirely to the period on which we are now engaged, abundant proof will be found of the right of presbyters to take their places and give their voices in "national and provincial synods." In this, indeed, lies one of the chief points of our inquiry. We have seen that the admission of presbyters into our English convocations is derived from the example of the Synod of Jerusalem, from the practice of the primitive age, and from the constitution of the synods of the early British Church. And by a consideration of the Anglo-Saxon assemblies at this period of our history, it will be found that presbyters still formed a component part of all the greater synods. Thus amid the earliest foundations of the ecclesiastical building we discover such tokens as assure us of the antiquity of the present fabric. The roots which supply vigour and strength to those mighty trees which are the peculiar glory of our native soil strike wide and deep; and in like manner we find recorded in the most distant annals of our country, and spread over every period of her history, those

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elements of this national Church which are the very sources of her being, the natural supplies not only of health and strength, but even of her very life and existence.

Though with the increase of papal power, as was before remarked, we may trace a corresponding decrease in the authority of the second order in the ministry, yet, as in the period before us that power was by no means universally admitted in England, we may discover the presence of presbyters in all the more important synods, and find records of their subscriptions to the authoritative documents.

To the national Synod of Whitby, A.D. 664, Colman, bishop of Lindisfarne, came "*with*[2] *his clergy;*" Agelbert, bishop of the West Saxons, brought with him "Agatho[3] and Wilfrid, *two presbyters;*" and there were also in the synod a "*large*[4] *body of clergy of both sides.*" It is well worthy of remark also, in confirmation of the present argument, that one of the chief speakers in this "national synod" was only a presbyter, for Wilfrid, who was selected by Agelbert[y] as the main champion on his side, had only lately been admitted to priest's orders[z] by that bishop.

[y] Hody, 22. Spelm. Conc. i. 145-7.
[z] Collier, i. 223.

At the national Synod of Hertford, A.D. 673, there were many "*beneficed*[5] *clergy;*" and these, too, were associated with the bishops on "*just*[6] *terms of legislative authority.*" We are also informed that, on arriving at the synod, "*each*[7] *sat down in his place according to his rank.*"

At the national Synod of Hatfield, A.D. 680, we have it on the authority of Bede that the assembly was composed of "the venerable bishops and *very many learned men*[8]."

At the national Synod of Osterfield, A.D. 701, at which Archbishop Berthwald and almost[a] all the bishops of Britain were present, it is said that the questions in dispute were settled, in conjunction with the opinions of the bishops, by

[a] Hody, p. 32.

[2] "Cum clericis suis."—Conc. Mag. Brit. i. 38.

[3] "Agelbertus cum Agathone et Vilfrido *presbyteris.*"—Ibid.

[4] "Multo ex utrâque parte clero."—Spelm. Conc. i. 145.

[5] "Magistri Ecclesiæ plures."—Spelm. Conc. i. 152.

[6] "Quibus *pariter* congregatis."—Ibid., and Hody, 23.

[7] "Cumque in unum convenientes, juxta ordinem quique suum resedissemus."—Spelm. Conc. i. 153, and Hody, 23.

[8] "Collecto venerabilium sacerdotum *doctorumque plurimorum* cœtu."—Hody quotes Bede, iv. 17.

"the consent[9] of *certain abbots*." And it must always be borne in mind that the presence of abbots in national and provincial synods is quite enough for our present argument, even if presbyters are not mentioned (which they frequently are), for abbots were but of the second order of the Christian ministry, that order into whose rights we are now inquiring. A.D. 601 - 803-4.

In a national synod held A.D. 756, Cuthbert, and other bishops, "*presbyters*[1], *and abbots* passed the decrees."

At the provincial Synod of Bapchild, A.D. 796, there subscribed to the acts, in company with Archbishop Athelard and twelve bishops, *three-and-twenty*[b] *abbots;* these, it must be repeated, were of the second order in the ministry, and so their subscriptions suggest a valid argument for our present purpose.

[b] Conc. Mag. Brit. i. 158.

At the provincial Synod of Cliff at Hoo, A.D. 803, Archbishop Athelard with twelve bishops, by "*the unanimous counsel of the whole synod*[2]," promulgated its decrees; and the subscriptions to this synod, besides those of the archbishop and twelve bishops, exhibit the names of "*thirty-eight*[c] *presbyters at least*," besides those of some other ecclesiastics. And these subscriptions are considered authentic beyond exception by Mr. Wharton[d], a very diligent examiner and accurate judge in such matters.

[c] Hody, p. 52. Spelm. Conc. i. 325.

[d] Atterbury, Rights, &c. pp. 12, 13.

Thus is it clear that in Anglo-Saxon times the second order of the ministry were constituent members of national and provincial synods. The foregoing may appear to the reader at first sight a very dreary waste to travel through, but the journey is not without its profit. Present circumstances render it necessary that the rights of the second order of the ministry should be carefully examined, justly weighed, and accurately defined; and if this inquiry should prove satisfactory in establishing their prescriptive right to seats in English synods,—a right founded on no political whim of K. Edward I.'s rapacious temper, but springing from the deepest roots of our ecclesiastical and social institutions,—then the subject, if dull, will not be useless. Any labour bestowed upon it will be

[9] "Consensu quorundam abbatum."—Hody, 32, quotes Heddius' Life of Alfrid, c. 45.

[1] "Presbyteri et abbates inter alia decreverunt."—Conc. Mag. Brit. i. 144.

[2] "Unanimo concilio totius sanctæ synodi."—Conc. Mag. Brit. i. 167.

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rewarded with corresponding satisfaction. The toil itself may prove a pleasure—"Labor ipse voluptas." Constantly, as has been shewn from the records, we find the second order of the ministry present at our early synods; constantly we find their names subscribed to the canons enacted, sometimes in numbers: and if presence and subscription are considered a sufficient evidence that presbyters were constituent members of the larger Anglo-Saxon synods, there is ample proof of the fact. Certain it is that the increase of the power of the Roman Church in England diminished in proportion the authority of presbyters. For as papal encroachment advanced, episcopal authority was unreasonably stretched over the lower clergy. The monarchical system in ecclesiastical matters (if it may so be expressed) was gradually extended, and carried along with it a constant and growing tendency to undermine the constitution of that primitive Church, which, having drawn its first breath on the Galilæan mount, was cradled in an upper chamber in Jerusalem, exhibited its maturer powers in the first apostolical synods, and was established upon the native soil of Britain. Up to the point of the history at which we have arrived (and it will be seen that the investigation will not be hereafter unsuccessful on this head) the right of presbyters to join with their metropolitans and bishops in deliberation and final decision on synodical questions appears undeniable. The most unanswerable proofs of this fact exist in the records of the synods above quoted. And any attempt to deprive the second order of the priesthood of this their rightful inheritance, any endeavour to deny them a voice in defining doctrine or authorizing canons, is but an imitation of the policy of the Papacy, a direct contravention of the examples of the apostolical and primitive ages, as well as an infringement upon the original principles of this national Church, as exhibited in the records both of the British and Anglo-Saxon times.

X. "The Church's judgments free," a principle asserted in every age of our history.

One more point must be glanced at before the consideration of this period of our history is concluded. It has been remarked [dd] above, in the first chapter of this inquiry, that whatever power emperors and laymen have assumed over the Church, her judgments in matters purely spiritual, such especially as

[dd] Vid. sup. chap. i. sec. 8.

the definition of doctrine, have been left to the bishops and clergy, that is, in language commonly applied to the subject, "have been restrained within the power of the keys[e]." There is no period of the history of this Church in which this principle has not been admitted or urged. It exists in the earliest records of our country; it is to be traced among the last, even in the most solemn act of her present most gracious Majesty.

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[e] Kennett's Eccl. Syn. p. 249.

Declared by mixed Council of Brasted.

The subject is here introduced because this principle is specially brought before us in the acts of the mixed Council of Brasted. And it may not be unprofitable to trace it among the records of all subsequent periods.

This is the declaration of the first canon of the mixed Council of Brasted, enacted by K. Withred, with the assent of his princes and all the council, A.D. 696: "Let[3] the Church be free, and subject to her own judgments."

By K. Edgar.

"I," said K. Edgar, in his eloquent address to Archbishop Dunstan and his suffragans, A.D. 969, "I wield the sword of Constantine, you that of Peter[4]."

By Magna Charta.

"Let[5] the Church be free," is the very keystone of Magna Charta.

By a public document of K. Henry VIII.'s reign.

"In matters of faith and interpretation of Scripture no man made definitive subscription but bishops and priests, forasmuch as the declaration of the word of God pertaineth unto them," was[f] a public document signed by four bishops in K. Henry VIII.'s time.

[f] Atterbury, Rights, &c. pp. 15, 16.

By 24 Hen. VIII. c. 12.

Even in the time of that tyrant's most incomprehensible aggressions upon all rights whatsoever, spiritual or civil, we find this principle still maintained in the public enactments. The preamble of the act 24 Hen. VIII. c. 12, speaking of "this realm of England," says: "The body spiritual whereof having power, when any cause of the law divine happened to come in question, or of spiritual learning, then it was declared, interpreted, and shewed by that part of the said body politic called the spiritualty, now

[3] "Libera sit Ecclesia fruaturque suis judiciis."—Spelm. Conc. i. 194.

[4] "Ego Constantini, vos Petri gladium habetis in manibus."—Conc. Mag. Brit. i. 246.

[5] "Libera sit Ecclesia."

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being usually called the English Church, which always hath been reputed and also found of that sort, that both for knowledge, integrity, and sufficiency of number, it hath been always thought, and is also *at this hour* sufficient and meet of itself, without the intermeddling of any exterior person or persons, to declare and determine all such doubts, and to administer all such offices and duties as to their rooms spiritual doth appertain."

By K. Charles the Martyr.

One hundred years later the solemn declaration of K. Charles the Martyr, prefixed to the articles of that Church which he so faithfully loved, manifestly sanctions the same principle: "If[g] any difference arise about the external policy, concerning the injunctions, canons, and other constitutions whatsoever thereto [*i.e.* the Church] belonging, the clergy in their convocation is to order and settle them."

[g] Pref. to 39 Art. of Relig.

By the Declaration of Rights.

And again within the same century the Declaration of Rights, or, as it has been called, "a new sort of Magna Charta[h], the most memorable that had been known for several ages," set forth a virtual repetition of that enactment of its prototype,—"Let the Church be free,"—in these words: "The commission for erecting the late Court of Commissioners for Ecclesiastical Causes, and *all other commissions and courts of a like nature*, are illegal and pernicious[i]."

[h] Echard, Hist. Revolution, p. 264.

[i] Echard, Hist. Revolution, p. 266.

By the coronation oath.

And, lastly, the solemn oath of every sovereign who ascends the throne of these realms has respect in each successive generation to those sacred rights of the Church which are her inalienable inheritance. "Will[j] you," inquires the archbishop, "preserve unto the bishops and clergy of this realm, and to the Churches committed to their charge, all such rights and privileges as by law do or shall appertain unto them, or any of them?" "All this I promise to do," is the answer. And then the holy Gospels being touched, the sovereign adds, "The things which I have here before promised, I will perform and keep, so help me God," and then kisses the book. When the coronation oath has been taken, "all[k] constitutional transactions between the crown and subject are both essentially and formally legal covenants; king and people alike obeying the

[j] Blackstone's Comment. vol. i. p. 235.

[k] Palgrave's Hist. of Normandy and England, p. 67.

supremacy of the law," and that oath "is deposited in the Chancery to be produced against the sovereign, should the compact be infringed." A.D. 601—803-4.

Thus in all periods of English history, however remote from each other, public instruments spreading over nearly twelve centuries assure and commend to us that principle, "Libera sit Ecclesia fruaturque suis judiciis;" and it is a very intelligible principle established by most ancient law, confirmed by recent and most solemn declarations, that the Church's judgments in matters purely spiritual should be free. And yet it is a principle which, on some occasions, has not been so rigidly observed as its sacred character, its antiquity, and its importance demand.

XI. Review of subject. Upon a review of the whole question of councils during the early ages of our history, it seems clear that among the Anglo-Saxons there were some councils of a purely ecclesiastical character, some of a purely civil character, and some of a mixed nature; that the clergy were constituent members of all; and that ecclesiastical canons having been made by them alone, in the first instance, in their synods, were then ratified by the civil power in order to make those documents laws of the land. It is probable that the mixed assemblies were of most frequent occurrence, because since the same individuals, in a great measure (so far as the ecclesiastics were concerned), were legislative members of the Church, as well as of the state councils, it was highly convenient that subjects both ecclesiastical and civil should be treated of at the same times and places, that is, on the occasions of the great meetings for the mixed councils, the clergy[l] withdrawing to a separate place when treating of the law divine. It is hard to say for exactly how long[m] a time these "mixed councils" continued. Certainly they prevailed for several reigns after the Norman Conquest; for though the Conqueror[n] divided the court of the bishop and earl, who previously sat together and exercised a jurisdiction in some sort conjointly, yet he continued to assemble the clergy nationally with the laity. His tenure by knight's service obliged all that held of the crown, whether they were spiritual or temporal persons, to attend equally at his "great" or "mixed councils." And on those occasions, concurrent

[l] Kennett, Eccl. Syn. 214—249. & Wake's Auth. pp. 158 et seq.
[m] Atterb. Rights, &c. p. 36.
[n] Atterb. Rights, &c. p. 35.

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synods being then held, affairs both spiritual and temporal were transacted, as was the case at the "great Council" of Winchester [o], A. D. 1070, where Stigand was deposed—at the "great Council" of Windsor [p] in the same year, where Agelric and many abbots were deprived—and at another at Gloucester, where several bishops were appointed.

[o] Conc. Mag. Brit. i. 322.

[p] Conc. Mag. Brit. i. 323.

It is not unlikely that the disuse of such "great" or "mixed councils" began towards the middle of K. Henry II.'s reign, when it was said of the clergy that "*they disjoined themselves* [q] *from the laity in every respect, and set up to be independent*," an evil which arose from the shameful expulsion of the English ecclesiastics, the introduction of Italians and foreigners of every sort into their room, and the consequent extension of papal influences in England. And an evil this certainly was of enormous magnitude; for though the clergy in matters purely spiritual, from the very nature of Christ's kingdom, which is "not [r] of this world," must be independent on all external power; yet in matters purely or partly civil, or where civil sanctions are necessary for enforcing spiritual decisions, it is of unspeakable importance that clergy and laity should act together in harmonious consent, and that both orders, as the symmetrical piers of a fairly proportioned arch, should unite their combined forces to sustain the solid fabric of a Christian and well-ordered society.

[q] Atterb. Rights, &c. p. 36. Antiq. Brit. 151.

[r] S. John xviii. 36.

CHAPTER VII.

ANGLO-SAXON SYNODS AND COUNCILS.

FROM THE ACCESSION OF ARCHBISHOP WULFRID TO THE DEPRIVATION OF ARCHBISHOP STIGAND, A. D. 804—1070.

SUMMARY.

I. Anglo-Saxon public assemblies become more defined. II. Principal Anglo-Saxon assemblies: Circ-gemote (legislative)—Wittena-gemote (legislative)—Folc-gemote (executive)—Hundred court (executive)—Burg-gemote (executive). III. The Circ-gemote—National Circ-gemote—Provincial Circ-gemote—Diocesan Circ-gemote. IV. Form of holding a Circ-gemote. V. Form of holding a Wittena-gemote. VI. The Folc-gemote. VII. The Hundred court. VIII. The Burg-gemote. IX. Anglo-Saxon constitution the germ of the English. X. Ecclesiastical and civil laws enacted on the same occasions. XI. Presbyters in all synods. XII. Lower clergy in Mixed Councils and Wittena-gemotes. XIII. English Church not yet entirely enthralled—Roman jurisdiction disallowed. XIV. Anglo-Saxon doctrine opposed to modern Roman doctrine—in appointment of fasts—in the use of Holy Scripture—on the subject of Holy Communion—on the subject of synods. XV. The last Anglo-Saxon council. Subversion of Anglo-Saxon nationality in ecclesiastical matters.

Ἐκ μέν τοι γε τῆς ἁπάντων πρὸς ἄλληλα συμπλοκῆς καὶ παραθέσεως, ἔτι δ' ὁμοιότητος καὶ διαφορᾶς, μόνως ἂν τις ἐφίκοιτο· καὶ δυνηθείη, κατοπτεύσας, ἅμα καὶ τὸ χρήσιμον καὶ τὸ τερπνὸν ἐκ τῆς ἱστορίας λαβεῖν.—POLYB. *Hist.* lib. i. c. 4, § 11.

"... veterum volvens monumenta virorum,
Audite, o proceres, ait, et spes discite vestras."
VIRG. *Æn.* lib. iii. 102 3.

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I. Anglo-Saxon public assemblies become more defined.

IT is satisfactory to trace the original principles of our national Church in the earlier ages of her history, and to point to periods (as in the last two chapters) when she was either totally independent of Rome, or at least bravely struggling for liberty. Indeed the portion of her history previous to the Norman Conquest

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(the effects of which event finally threw us helpless at the feet of the Roman Pontiff) is well worthy of careful investigation, in order that the true principles of this national Church may be understood, her essential elements be brought to light; and that now by God's blessing having recovered and still enjoying our original independence of all foreign interference, we may be wise in the improvement of our advantages, build up the walls of our city of God on their pristine model, and discovering the traces of her former glory, lay upon them the foundations for future hopes.

The period now before us embraces the time which elapsed between the years 804 and 1070. Beginning from the death of Archbishop Athelard, and the accession[a] of Archbishop Wulfrid to the see of Canterbury (A. D. 804), the tabular list[1] will shew the synods and councils held in this country

[a] Collier, i. 345.

[1] LIST OF ANGLO-SAXON SYNODS AND COUNCILS, A. D. 804—1070.

Date. A. D.	Place.	Archbishop or Bishop.	King.	Reference.	Nature of Assembly.
811	Winchelcomb .	Wulfrid	Kenulf, Cuthred, and Sired	Conc. M. B. i. 169 ..	Mixed Council*.
816	Challock or Chalk	Wulfrid	Kenulf of Mercia	Spelm. Conc. i. 327. Conc. M. B. i. 169. Hody, 53. Johnson's Can. i. 300	Provincial Synod.
820	.....	Wulfrid	Beornulf of Mercia	Spelm. Conc. i. 331. Conc. M. B. i. 171	Uncertain.
821	Oshlaveshle ..	Wulfrid	Beornulf	Spelm. Conc. i. 332. Conc. M. B. i. 171	Uncertain.
822	Cliff at Hoo ..	Wulfrid	Beornulf	Spelm. Conc. i. 332. Hody, 54. Conc. M. B. i. 172	Mixed Council.
824	Cliff at Hoo ..	Wulfrid	Beornulf	Spelm. Conc. i. 334. Conc. M. B. i. 175. Hody, 55	Mixed Council.
825	Cliff at Hoo ..	Wulfrid	Beornulf	Conc. M. B. i. 173. Hody, 55-6. Vid. note.	Mixed Council.
833	London	Ceolnoth of Cant. & Enbald of York	Egbert & Withlasius	Spelm. Conc. i. 336. Conc. M. B. i. 176. Spelm. Conc. i. 339, note.	Mixed Council.
838	Kingston	Ceolnoth	Egbert	Spelm. Conc. i. 340. Hody, 56. Conc. M. B. i. 178	Mixed Council.
850	Benningdon ..	.....	Bertulph	Spelm. Conc. i. 344. Conc. M. B. i. 181. Hody, 57	Mixed Council.

[851 Kingsbury

* Where the "sapientes," or "wites," are present, the assembly is called a "*wittenagemote*;" where, in addition to the clergy, only the "duces," or "optimates," or "principes," a "*mixed council*."

down to the time of the deprivation of Stigand, the last of our Anglo-Saxon archbishops (A.D. 1070). K. Egbert succeeded to the crown of the West Saxons, in the year 800[b], and William of Normandy was crowned on Christmas day, 1066: the present period, therefore, extends from the fourth year of Egbert to the fourth of William the Conqueror; and it may be termed for the convenience of division the second Anglo-Saxon period.

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[b] Collier, i. 348.

The state of society became more tranquil during the period now before us, and political arrangements were consequently more defined. The great civil councils of the Anglo-Saxons having obtained the name of "wittena-gemotes;" perhaps many of those in the tabular list should rightly be so described, which are designated as "mixed councils." But it has been thought better to apply the term "wittena-gemote" only

LIST OF ANGLO-SAXON SYNODS AND COUNCILS, A.D. 804—1070—*continued.*

Date. A.D.	Place.	Archbishop or Bishop.	King.	Reference.	Nature of Assembly.
851	Kingsbury	Ceolnoth	Bertulph	Spelm. Conc. i. 344, and note ad fin. Conc. M. B. i. 181. Hody, 57	Mixed Council.
855	Winchester ..	Ceolnoth and Abp. of York	Ethelwolf, Beorredus, Edmund	Spelm. Conc. i. 348. Conc. M. B. i. 183. Hody, 59	Mixed Council.
	Intermission of councils on account of Danish irruptions.			Spelm. Conc. i. 353, note. Hody, 60.	
	Alfred's laws, where made and when uncertain.			Spelm. Conc. i. 378.	
887	Llandaff	Gurgan, 10th bishop	.....	Spelm. Conc. i. 381. Conc. M. B. i. 196. Hody, 62	Diocesan Synod.
	Llandaff	Berthguin, 14th bishop	Clotri	Spelm. Conc. i. 382. Conc. M. B. i. 196. Hody, 62	Diocesan Synod.
	Llandaff	Berthguin, 14th bishop	.....	Spelm. Conc. i. 383. Conc. M. B. i. 197. Hody, 62	Diocesan Synod.
	Llandaff	Cerenhir, 18th bishop	Howell.....	Spelm. Conc. i. 383-4. Conc. M. B. i. 197. Hody, 62	Diocesan Synod.
	Llandaff	Cerenhir, 18th bishop	.....	Spelm. Conc. i. 384-5. Conc. M. B. i. 198. Hody, 62	Diocesan Synod.
	Llandaff	Gulfrid, 20th bishop	.....	Spelm. Conc. i. 385. Conc. M. B. i. 198	Mixed Council. Diocesan.
	Llandaff	Civeillac, 22nd bishop	Brochvail.....	Spelm. Conc. i. 385 6 Conc. M. B. i. 199. Hody, 62	Diocesan Synod.
	Llandaff	Civeillac, 22nd bishop	Brochvail.....	Conc. M. B. i. 199. Hody, 63	Wittena-gemote.
					[904.....

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when the "wites," or "sapientes," are found on perusal of the records to have been certainly present; and this rule has been followed.

The remarks made in the previous chapter with regard to the assembling of ecclesiastical synods at the same times and places with the civil councils, apply[c] even with greater force to this period of our history than to the last: the clergy being always consulted about secular matters; as well as in purely spiritual affairs, the laity being called in to ratify and to

[c] Vid. Conc. Ænham ad an. 1009. & Spelm. Conc. vol. i. p. 529, note.

LIST OF ANGLO-SAXON SYNODS AND COUNCILS, A. D. 804—1070—*continued.*

Date. A. D.	Place.	Archbishop or Bishop.	King.	Reference.	Nature of Assembly.
904	.....	Edgmund	Edward the Elder	Spelm. Conc. i. 387 et seq. and note. Conc. M. B. i. 199	Mixed Council.
905-6	Itingford	.....	Edward the Elder, Ang.-Saxon, and Guthurn, Dane	Spelm. Conc. i. 390-5. Conc. M. B. i. 202. Hody, 67	Convention for agreement upon laws between Anglo-Saxons & Danes.
	Exeter	.....	Edward the Elder	Hody, 67	Wittena-gemote.
928	Grateley, near Andover	Wulfelm	Athelstan	Spelm. Conc. i. 396. and note, 407. Conc. M. B. i. 205	Wittena-gemote.
	Exeter	Wulfelm.....	Athelstan	Hody, 68, quoting Bromton	Wittena-gemote.
	Feversham	Wulfelm.....	Athelstan	Hody, 68-9, quoting Bromton	Wittena-gemote.
	Thunderfield ..	Wulfelm.....	Athelstan	Hody, 69, quoting Bromton	Wittena-gemote.
	London	Wulfelm.....	Athelstan	Hody, 69, quoting Bromton	Wittena gemote.
	Thitlanbyrig ..	Wulfelm.....	Athelstan	Hody, 69, quoting Bromton	Wittena-gemote.
940 or 943	Tygwin	Archbishop of S. David's. Spelm. Conc. i. 414	Howel the Good	Spelm. Conc. i. 408. Conc. M. B. i. 208. Hody, 70. See also Spelm. Conc. i. 414, note. Conc. M. B. i. 208, note	Welsh Mixed Council.
944	London	Odo of Cant. and Wulstan of York	Edmund	Spelm. Conc. i. 419. Conc. M. B. i. 214. Hody, 71	Mixed Council*.
	Culinton	.....	Edmund	Hody, 72	Wittena-gemote.
948	London	Odo and Wulstan	Edred	Spelm. Conc. i. 428. Conc. M. B. i. 217. Hody, 72	Mixed Council*.
950	In the Church of Mainuon, Llandaff	Pater, Bishop of Llandaff	Nougui.....	Spelm. Conc. i. 429. Conc. M. B. i. 222. Hody, 72	Diocesan Synod.
955	Urbs Guentonia or Gwent	Pater, Bishop of Llandaff	Nougui.....	Spelm. Conc. i. 430. Conc. M. B. i. 222. Hody, 72	Mixed Council on the subject of violated sanctuary.

[959 Bradanford,

* Junction of Canterbury and York.

establish[d] as law, such decisions as had been arrived at by the clergy deliberating[e] apart by themselves. The reasons which caused the Anglo-Saxon assemblies during this period to assume a more definite form arose partly from the consolidation of the heptarchy, partly from those extensive and wise improvements ascribed to K. Alfred the Great in the middle of the ninth century. Those improvements were perhaps more specially directed to strengthen the executive power, and secure a due obedience to the law. Still however

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[d] Kennett's Eccl. Syn. p. 215.
[e] Kennett's Eccl. Syn. p. 249. Wake's Auth. pp. 158 et seq. Conc. Cloveshoo, Conc. Mag. Brit. i. 94.

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Date. A.D.	Place.	Archbishop or Bishop.	King.	Reference.	Nature of Assembly.
959	Bradanford, ? Brentford or Bradford	.....	Edgar	Spelm. Conc. i. 431. Hody, 73	Mixed Council.
967	.....	Dunstan.....	Edgar	Spelm. Conc. i. 443. Conc. M. B. i. 245	Wittena-gemote.
969	.....	Dunstan.....	Edgar	Spelm. Conc. i. 479. Conc. M. B. i. 247, 248 ad imum. Hody, 73	National Synod.
970	London	Dunstan.....	Edgar	Conc. M. B. i. 256 ..	Mixed Council.
971	London	Dunstan & Oswald of York	Edgar	Spelm. Conc. i. 483. Conc. M. B. i. 258	Mixed Council*.
973	Bath	Dunstan.....	Edgar	Conc. M. B. i. 259. Hody, 75	Wittena-gemote.
974	.....	Dunstan & Oswald of York	Edgar	Spelm. Conc. i. 489. Conc. M. B. i. 260	Wittena-gemote.
975	Winchester ..	Dunstan.....	.....	Spelm. Conc. i. 490. Conc. M. B. i. 261. Hody, 74	Mixed Council.
	London	Dunstan.....	.....	Hody, 78	Wittena-gemote.
977	Kirtlington ..	Dunstan.....	Edward the Martyr	Spelm. Conc. i. 493. Conc. M. B. i. 262. Hody, 76-7	Mixed Council.
977-8	Calne	Dunstan.....	Edward the Martyr	Spelm. Conc. i. 494. Conc. M. B. i. 263. Hody, 77	Mixed Council.
977-8	Amesbury	.....	Edward the Martyr	Spelm. Conc. i. 494. Conc. M. B. i. 263. Hody,78. Coll. i. 470	Uncertain.
	In the North ..	Oswald of York	.....	Spelm. Conc. i. 495. Hody, 78	Provincial Synod.
988	Llandaff.....	Gucan, Bishop of Llandaff	.....	Spelm. Conc. i. 502-3. Conc. M. B. i. 264. Hody, 79	Diocesan Synod.
991	Uncertain	Siricius	Ethelred	Conc. M. B. i. 264 ..	Uncertain.
994-5	Amesbury	Elfric chosen Archbishop	Ethelred	Hody, 79. Coll. i. 481	Mixed Council.
999	Uncertain	Elfric	Ethelred	Hody, 79. Coll. i. 481	Mixed† Council.
1002	Uncertain	Elfric	Ethelred	Hody, 80.....	Mixed Council.
1003	Uncertain	Elfric	Ethelred	Spelm. Conc. i. 504-8. Conc. M. B. i. 282. Hody, 89	Mixed Council.
					[1006 Uncertain

* Junction of Canterbury and York.

† See Hody, p. 80.

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they were not without effect in giving a more definite form to our public assemblies generally; and to the constitution of those assemblies, and their modes of proceeding, the present subject peculiarly draws our attention. And though perhaps in point of strict chronology some of the matters here detailed should be reserved to a later part of this chapter, yet it is more convenient to take a general survey of the several Anglo-Saxon assemblies in this place, even if some of them did not assume, until the middle of this period, so definite a form as that in which we shall view them. Notwithstanding the difficulty of positively defining between a "synod" and a "council" in every particular instance on account of the carelessness with which those terms have been respectively employed in some quarters, and on account of the doubtful character

LIST OF ANGLO-SAXON SYNODS AND COUNCILS, A.D. 804—1070—*continued.*

Date. A.D.	Place.	Archbishop or Bishop.	King.	Reference.	Nature of Assembly.
1006	Uncertain	.....	Ethelred	Hody, 80	Mixed Council.
1009	Ensham	Ælphage of Cant. and Wulstan of York	Ethelred	Spelm. Conc. i. 510. Conc. M. B. i. 285. Hody, 80	Wittena-gemote.
	Brandon.....	Ælphage	Ethelred	Hody, 91	Mixed Council.
	Woodstock ..	Ælphage	Ethelred	Spelm. Conc. i. 532, note. Hody, 90. Conc. M. B. i. 296, note.	Wittena-gemote.
	Wantage	Ælphage	Ethelred	Spelm. Conc. i. 532. Conc. M. B. i. 296, note. Hody, 90.	Wittena-gemote.
	.....	Ælphage	Ethelred	Spelm. Conc. i. 532. Conc. M. B. i. 296. Hody, 90-1	Wittena-gemote.
1012	Habam or Badam	Archbishopric vacant	Ethelred	Spelm. Conc. i. 530. Conc. M. B. i. 295. Johnson, i. 494. Coll. i. 496. Hody, 90	Wittena-gemote.
1015	Oxford	Livingus	Ethelred	Hody, 91	Mixed Council.
1017	Southampton..	Livingus	.....	Hody, 92	Mixed Council *.
1017	London	Livingus	.....	Hody, 92. Johnson, i. 501	Mixed Council †.
1017	Deerhurst-on-Severn	Livingus	.....	Hody, 93. Gualterus Mapes, dist. v. c. 4 ‡.	Mixed Council §.
1018	London	Livingus	Canute	Hody, 93. Conc. M. B. i. 296	Mixed Council ‖.
1020	Cirencester ..	Agelnoth	Canute	Hody, 93	Mixed Council.
1020	Uncertain	Agelnoth	Canute	Hody, 93. Coll. i. 502	Mixed Council.

[1021 Winchester

* Canute proclaimed king. † Edmund proclaimed king.

‡ Gualterus Mapes, published by Camden Society, 1850.

§ Division of kingdom ratified. ‖ Canute proclaimed king unanimously.

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of some of the records, yet in the words of Bishop Kennett[f], "The chastest Latin writers in or near the Saxon times have sufficiently distinguished between the ecclesiastical and civil assemblies;" and thus we are enabled generally to trace the proper lines of demarcation between those meetings respectively.

[f] Eccl. Syn. p. 216.

II. Principal Anglo-Saxon assemblies.

Upon a collation of the various authorities on the subject, it may be gathered that the principal Anglo-Saxon public assemblies were as follow. Short accounts of each will be appended; they may not prove uninteresting, and do not appear foreign to our purpose.

1. Circ-gemote.

The Circ-gemote[2], Haly-gemote, or Synoth; a pure ecclesiastical assembly (legislative).

LIST OF ANGLO-SAXON SYNODS AND COUNCILS, A.D. 804—1070—*continued.*

Date. A.D.	Place.	Archbishop or Bishop.	King.	Reference.	Nature of Assembly.
1021	Winchester ..	Agelnoth of Cant. and Wulstan of York	Canute	Spelm. Conc. i. 534. Hody, 94. Conc. M. B. i. 297. See also Spelm. Conc. i. 539. Ibid. i. 560 ad imum.	Wittena-gemote, called a parliament.
1033	Winchester ..	Agelnoth	Canute	Conc. M. B. i. 299 ..	Wittena-gemote.
1034	Llandaff.....	Joseph, 28th bishop	Mouric, K. of Glamorganshire	Spelm. Conc. i. 570. Conc. M. B. i. 310	Diocesan Synod.
1035	Oxford	Agelnoth	.....	Hody, 96. Coll. i. 507	Mixed Council.
1041	.....	Eadsius of Canterbury, and Alfric of York	Hardicanute ..	Spelm. Conc. i. 570, and note, Spelm. Conc. i. 534	Synod.
1044	London	Eadsius	Edward the Confessor	Hody, 96	Mixed Council.
1017 Midl.	London	Eadsius	Edward the Confessor	Hody, 96	Uncertain.
1047	Gloucester	Eadsius	Edward the Confessor	Hody, 98	Mixed Council.
1047 Michs.	London	Eadsius	Edward the Confessor	Hody, 98	Mixed Council.
1052	On the Outskirts of London	Eadsius	Edward the Confessor	Hody, 96 and 98	Mixed Council.
1055	London	Stigand	Edward the Confessor	Hody, 98	Mixed Council.
1056 or 1059	Llandaff.....	Herguald, 29th bishop	Catgucaunus, K. of Glamorgan	Spelm. Conc. i. 625. Conc. M. B. i. 314, and note.	Diocesan Synod.
1065* Xmas.	Westminster ..	Stigand and Eldred of York	Edward the Confessor	Spelm. Conc. i. 627. Conc. M. B. i. 316	Mixed Council.

* Spelman and Wilkins place this council in the year 1066, which confuses all the historical dates (Spelm. Conc. i. 627, and Conc. Mag. Brit. vol. i. 316). It has escaped their observation that 5 cal. Jan. MLXVI. (the date of the charter to Westminster) does not mean the 5th Jan., 1066, but 28th of December, *i. e.* Innocents' day, 1065.—J. W. J.

[2] Kennett's Eccl. Syn. 212—214. Hody, 124. Pref. Conc. Mag. Brit.

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2. Wittena-gemote.

The Wittena-gemote[3], or Micel-getheaht, *i.e.* "the meeting of the wise," "the great thought," the "mixed council," called in more modern phraseology the "great council," or "parliament." This was a mixed assembly of clergy and laity (legislative).

3. Folc-gemote.

The Folc-gemote[4], Shire-mote, or Gerefe-mote, *i.e.* the county court, or shire-reeve's (sheriff's) turn; the sheriff being deputy of the earl, as some say, but rather perhaps being associated with him in order to guard the royal interest (executive).

4. Hundred court.

The Hundred court[5] (executive).

5. Burg-gemote.

The Burg-gemote[6] (executive).

III. Circ-gemote.

The Circ-gemote, Haly-gemote, or Synoth, was a pure ecclesiastical assembly, in which "the clergy[g] were alone and by themselves, as the peculiar officers and administrators of religion: for" though "the clergy were thought capable of consulting in political affairs, the laity were not thought equal judges in pure spiritual matters." "In all matters[h] of general legislation they voted with the laymen; but if business more particularly connected with the Church was discussed, they retired, and settled the affairs amongst themselves." "In those times," says Archbishop Wake[i], "the proper conciliary affairs of the Church were transacted in proper Church synods, not in mixed councils—by the bishops and prelates alone, not by a conjunction of the laity with them." The circ-gemotes, haly-gemotes, or synoths, were national, provincial, or diocesan, of which we have sundry instances in this and the preceding period, and which may readily be referred to in the tables prefixed to each: and when kings were present at such meetings, as was sometimes the case, "it[j] was to keep the peace, and protect the clergy, and give solemnity to the occasion; it was not that they or

[g] Kennett's Eccl. Syn. p. 214.

[h] Palgrave's Anglo-Sax. pref. p. 18.

[i] Present State, pref. ix.

[j] Kennett's Eccl. Syn. p. 216. Vid. Provin. Synod of Chullock, A.D. 816.

[3] Eccl. Syn. 217—225. Ibid. 214. Wake's Pres. State, 128. Hume, 787. Palgrave's Anglo-Saxons, pref. 26. Hody, 124. Johns. Can. vol. i. p. 282. Sharon Turner's Hist. Anglo-Saxons, vol. ii. p. 457.

[4] Hume, 21. Eccl. Syn. 220—223. 232—237. Hume, 787, note, and 789. Blackstone's Com. iv. 411. Palgrave's Anglo-Sax. pref. 23. Sharon Turner's Hist. Anglo-Saxons, vol. ii. pp. 457-8.

[5] Hume, 21. Blackst. Com. iii. 34; iv. 411. Hume, Appendix, No. 1, p. 789.

[6] Hume, 21, and Appendix, No. 1. See also Edgar's Laws, can. 7, A.D. 958. Johns. Can. vol. i. p. 411.

their retinue, as laymen, could define in matters of faith or worship[k]." Thus we find that at the provincial Synod of Challock or Chalk, A.D. 816, Kenulf, king of Mercia, with some of his nobility, was present. But Wulfrid, archbishop of Canterbury, presided; and he, together with certain ecclesiastics, are alone represented as treating upon[7] spiritual matters. It is in reference to this provincial synod that Collier uses the following language, which strongly confirms the view of the subject previously stated: "Unless some charters of lands or privileges are granted by the crown, or some other temporal affairs transacted in the council, we seldom or never find a prince upon the subscription-list. And if there are any instances to be found, it is possible the prince might subscribe as a witness, or to give the Church a security that the canons should be taken into his protection, and the execution of them enforced with the civil authority. But let this be as it will, it is plain that the kings did not vote in synods where nothing but ecclesiastical matters were treated[l]."

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[k] Kennett quotes Bede, Hist. lib. iii. cap. 25.

[l] Coll. Eccl. Hist. vol. i. pp. 353-4.

Though these Church assemblies were sometimes convened at the command, and very frequently under the sanction of the king, yet they might be at any time called together by the ecclesiastical power; nor was the royal sanction[m] considered necessary: and this inherent power in the Church, by which the metropolitans convened their suffragan bishops and clergy, was recognized uninterruptedly from the earliest records of Britain until March 1534, when the Clergy Submission Act[n] was made law; an instance of tyranny on the part of K. Henry VIII., and of subserviency on the part of his parliament, which, if exhibited by any other besides him and them, might supply plentiful matter for surprise. On looking back to a time, however, when it was enacted[o] that royal proclamations should take the place of the laws of the realm, and that imprisonment might consequently be inflicted upon Englishmen at the sole will of the sovereign—to a time when neither innocence, nor age, nor sex[8], nor the nearest

[m] Kennett's Eccl. Syn. Hart's Eccl. Records, p. 4.

[n] 25 Hen. VIII. c. 19.

[o] 31 Hen. VIII. c. 8.

[7] "Tractantes de necessariis et utilitatibus Ecclesiarum."—Conc. Mag. Brit. i. 169.

[8] "Implêsset omnes funeribus domos,
Non ille vel sexu, vel ullo
Efferus abstinuisset ævo."
Naugerius, Poëm. de Patavio, 34—36.

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and holiest of domestic ties availed to avert that sovereign's hands from the most sanguinary atrocities which defile the pages of history,—on looking back to such a time there is no room left for surprise, however despicable may be the exhibition of sycophancy on the part of the parliament, or however wild the acts of tyranny on the part of the king.

National circ-gemote.

The *national* Circ-gemotes, Haly-gemotes, or Synoths, do not appear to have been called together at any specific times. The convention of such assemblies, apart from the "mixed councils," we must presume to have depended upon the exigencies of the times and the determinations of the ecclesiastical authorities. But whenever a NATIONAL "mixed council" was held, which usually took place at the three great festivals of the Church, viz. Christmas, Easter, and Whitsuntide, and when on those occasions the clergy went apart [p] for consultation on the law divine, such an ecclesiastical assembly would certainly partake of the character of a "*national synod*."

[p] Vid. Wilkins, Dissertatio de Vet. & Modern. Synodi Ang. Constitutione, p. viii.

Provincial circ-gemote.

The *provincial* Circ-gemote, Haly-gemote, or Synoth, was usually summoned by the metropolitan, and the obligation of holding such an assembly twice a year was recognized by some of the Anglo-Saxon canons [q], though it is probable that that obligation was not quite so frequently discharged. The provincial synods were at any rate held whenever circumstances, in the opinion of the metropolitan, rendered such a course expedient. The practice was to entertain in those assemblies complaints made by each bishop, in respect of such matters as he was unable to reform within his own diocese. Such complaints being publicly made, were heard by the metropolitan and the whole synod, so that the benefit of common [q] deliberation and judgment might be secured. At the conclusion of the synod the members confirmed its acts, subscribing their names and dignities, with the addition of the cross, "the manifest signs [r] of the celestial King." The bishops, on returning each to his own diocese, were obliged to assemble [s] "his presbyters and abbots, with the chiefs" of monasteries and churches, to lay before them the injunctions of the provincial synod, and to give it in charge that they should be obeyed.

[q] Conc. Cloveshoo, A.D. 747, can. 25 Conc. Mag. Brit. i. 98.

[r] Conc. Cloveshoo, A.D. 803. Johns. Can. vol. i. p. 297.

[s] Conc. Cloveshoo, A.D. 747, can. 25. Conc. Mag. Brit. i. 98.

[g] Conc. Herudford, A.D. 673, can. 7. Conc. Chealchuith, A.D. 785, can. 3.

Diocesan circ-gemote.

The *diocesan* Circ-gemote, Haly-gemote, or Synoth, was, if the canonical[t] injunctions were accurately obeyed, held also twice a year, once in summer and again in autumn. And when the bishop convoked such a synod "*all*[1] *the clergy*" were obliged to appear. The penalty was suspension for a year from the celebration of holy communion, if any absented themselves except under a just plea of necessity. Under this term, "*all the clergy*," were included at least all who held ecclesiastical benefices in the diocese, both "*the*[u] *regular abbots and monks, and also the archdeacons, presbyters, vicars, and chaplains.*" In these assemblies inquiries were made, according to stated forms, respecting the condition of the fabrics[v] of the churches, as well as respecting the doctrine and mode of life of the clergy who had the cures of the several parishes. Complaints[w] also respecting acts of injustice perpetrated within the limits of the diocese were brought forward, discussed, and arranged. The constitutions, moreover, which had been published in the *provincial synods*, under the authority[x] of the archbishop with the consent of his suffragans and of the whole clergy, having been confirmed by public approval, were here proclaimed as binding upon each individual presbyter and other ecclesiastics, so far as they were concerned in them. Sometimes[y] also, when any special occasion arose, the bishop promulgated new constitutions applicable only to his own diocese. But he lay[z] here under a restriction that none of these might contravene the provincial canons. If these diocesan constitutions upon being read were confirmed by the synod, they were published, and an order was issued that they should be observed throughout the whole diocese.

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[t] Conc. Mag. Brit. vol iv. Appendix, p. 784.

[u] Wilk. Epist. Diss. p. vii.

[v] Ibid.

[w] Ibid.

[x] Ibid.

[y] Ibid.

[z] Ibid.

IV. Form of a circ-gemote, haly-gemote, or synoth.

The preparations made beforehand for the due solemnization of a Circ-gemote may be gathered from certain canons in the Saxon collection of laws attributed to K. Edgar. It is there appointed[a] that for[2] every synod such books and vestments as would be

[a] Conc. Mag. Brit. i. 225, can. 3.

[1] "Quisquis autem clericorum ad hæc (concilia) non venerit, absque necessitatis causa, anno integro non præsumat missam celebrare."—Conc. Mag. Brit. vol. iv. App. p. 784.

[2] Hody, p. 76, confines these preparations to diocesan synods, but the canon says, "*ad quamlibet synodum.*"—Conc. Mag. Brit. i. 225.

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necessary for the service of God should be provided, as well as ink and parchments for enrolling the constitutions which should be enacted. Provision also for three days was to be prepared; and each priest was[b] to bring his clerk to the synod, and a faithful servant, one of good reputation and sober character, so that all might proceed in order and in the fear of God. After the members of a circ-gemote had arrived at the appointed place of meeting, the forms[3] which attended their assembly and the holy solemnities with which they consecrated the occasion are subjects which may well interest us even at this distance of time. And though the forms here given evidently relate to a diocesan synod, yet it may fairly be presumed that somewhat the same order would be observed, "mutatis mutandis," in holding a provincial one. And this view is strengthened by the fact that in Spelman the form commences with these words, "The manner[4] of holding *synods* in England in primæval times," without any limitation as to diocesan synods. The solemnities were extended over three days; on each of which, at the time appointed by the bishop or his vicar, the clergy walked in procession chanting the litany, and preceded by persons bearing crosses in their hands. When the synod was to be opened, the church, in which the assembly was to meet, was cleared of all manner of persons save the necessary attendants, and the doors were then locked. At one door, however, porters were appointed, and there an entrance was permitted to those who enjoyed the privilege of ingress. In the midst of the place of assembly was placed a desk,

[b] Conc. Mag. Brit. i. 225, can. 4.

[3] These forms and solemnities are recorded in a manuscript in the Cotton* library, and may be found printed in the second volume of Spelman's Concilia, and in the Appendix to Conc. Mag. Brit. vol. iv. p. 784. The manuscript is said by Sir Frederick Madden to be of the "latter part of the eleventh century or early in the twelfth." (Synodalia, part ii. p. 1.) Forms of holding synods have also been printed by Mr. Barnes from the Exeter, and by Mr. Maskell from the Salisbury Pontifical. The latter, in the Cambridge University library, is most valuable. There are known to be other manuscripts on this subject in existence, and it may reasonably and justly be hoped that some of the clergy to whom Providence has granted time and opportunity will investigate this matter, for their working brethren have little either of the one or the other.

[4] "Modus tenendi synodos in Angliâ primævis temporibus."—Conc. Mag. Brit. vol. iv. App. p. 784.

* MSS. Cotton, Cleop. c. viii. fol. 35.

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on which were deposited sacred relics, a "missal[5] in which the Gospels were written, with a sacred vestment." It was thus that in œcumenical councils the holy Gospels were placed on a highly ornamented stand, carved in such a manner as to represent the figure of our blessed Lord Himself; and this is mentioned[c] as having been the case in the sixth and last œcumenical council held at Constantinople, A.D. 680. The presbyters having seated themselves in synod according to the dates of their respective ordinations, the deacons who were probationers entered after them[6], and then also followed the laity of good repute, "or, at any rate, those whose presence was required by common consent[7]." When the arrangements were so far completed, the bishop entered if he wished to preside, or when the nature of the case required his presence. In his absence his vicar acted for him. All being now assembled, the deacon said, "Let us pray"—"Rise upon your feet." The bishop then turning to the east pronounced these words in a low tone, "The Lord be with you," and immediately added this prayer:

[c] Landon's Manual, p. 179.

"O Lord, who visitest the humble and blessest us in the exercise of brotherly love, grant to this assembly thy grace: grant that we, behaving ourselves as men with whom Thou dwellest, may be assured that to us Thou hast accorded thy presence."

After this prayer was ended, a deacon, attended by a subdeacon and accompained by two taper-bearers, advanced, bearing with him a censer[8]; and after a blessing had been

[5] "Plenarium cum stolâ. Plenarium: liber missalis in quo Evangelia descripta sunt."—Catalani Ordo ad Syn. vi. Introduc. quoted in Synodalia, No. 2, p. 92.

[6] A phrase here follows, "*quos ordo poposcerit interesse*," which I have not translated, though it certainly means that these were selected deacons "whose presence in synod had been desired by the whole body of that order in the ministry," or more probably "by the canonical rules."

[7] "Vel qui electione conjugali interesse meruerint." Does this mean by a joint election of clergy and laity? In the fourth canon of the fourth Council of Toledo, the phrase from which this appears to be borrowed is, "qui electione *concilii* interesse meruerint." In all our MSS. has "*conjugali*" been miswritten for *concilii*? But however laity were introduced into a synod, they were there to set forward and advise, not to define or decide.

[8] Thuribulum, a spherical box of metal, with holes in the upper part for the emission of incense.

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pronounced by the bishop, the deacon read a passage from the Gospel of S. Luke, beginning with the words, "The Lord appointed other seventy also," and ending, "For the labourer is worthy of his hire[d]."

[d] S. Luke x. 1—7.

The hymn "Veni Creator" was then sung, and at its conclusion the following prayer was offered up:

"O God the Holy Ghost, we, though bound with grievous sins, are yet specially assembled here in thy name. Come unto us; deign to take up thy abode in our hearts; teach us what we should do; whither we should direct our course; make known to us how we may please Thee in all things; and what we may be able to accomplish. Do Thou, who alone with God the Father and his Son possessest a glorious name, put right judgments into our hearts, and bring them to good effect. O Thou who lovest truth and equity, suffer us not to pervert justice; grant that we may not be led astray by ignorance; grant that no favour may incline us, no hope of reward, no regard to the favour of man may corrupt us. Join us unto Thee by the gift alone of thy grace, so that we may become one with Thee, and may never swerve from truth. As we are now gathered together in thy name, so may we in all things adhere to justice, piety, and moderation. May our minds altogether cleave unto Thee; and hereafter according to our good works may we attain unto eternal rewards through thy gift, who alone with the eternal Father and his Son livest, rulest, and reignest for ever."

After this prayer was ended, and all had taken their appointed seats in silence, the bishop, or in his place the chief deacon, delivered to the synod an address of the following nature:

"Very reverend priests and brethren, now that our prayers have been offered up to God, I bid you with an holy exhortation, and in God's name I desire you to hear reverently, and consider faithfully all such matters as I shall propose to you concerning God, the discipline[9] of the clergy, and the maintenance of pure morals. And if perchance any one of you should dissent from my propositions, let that man, avoiding all admixture of strife, submit those subjects, on which he feels a doubt, to the common judgment of all, so that under God's guidance he may receive instruction himself, or impart it to

[9] "De sacris ordinibus" is the term which I venture thus to translate.

others. In God's name I further adjure you all, that ye flatter no man in your judgments, neither be ye induced by favour or by bribery to depart from the truth; but the rather treat with such pious intention every subject which shall be submitted to our synod, that on the one hand discordant strife may find here no place for the perversion of equity, and that on the other hand the vigour and zeal of our order, in the execution of justice, may abide undiminished."

After this exhortation was concluded *any*[1] *one of the clergy* might bring forward such matters of complaint, or, as we now term them, such "gravamina," as he desired. And this was in conformity with the canons published in the reign of K. Edgar, A.D. 960, one[e] of which provided "that any[f] clergyman might give information to the synod if any grievance affected him; or if any person had inflicted any injury upon him; upon such information the members were all bid to consider the injury as directed against themselves, and to assist the offended person in obtaining compensation according to the direction of the bishop." Another[g] of those canons directed, "If[h] any clergyman knows of any man in his *district*[2] who is contumacious against God, or has fallen into mortal sin, and whom he is unable himself to bring to amendment, or dare not on account of the opposition of secular persons, that information of such circumstances should be publicly given to the synod."

[e] Can. 5.
[f] Conc. Mag. Brit. vol. i. p. 225.
[g] Can. 6.
[h] Conc. Mag. Brit. vol. i. p. 225.

When the business connected with the presentments of gravamina had been concluded, an admonition was[i] given, that every one should present himself fasting at the synod; and that none should depart before the general breaking up of the assembly. The business of the day then ended with this benediction:

[i] Conc. Mag. Brit. vol. iv. App. p. 785.

"May He who 'gathereth[j] together the outcasts of Israel,' guard you here and every where. Amen. Not only may He guard you, but make you fit shepherds of his sheep. Amen. So that with Christ, the chief Shepherd, ye may enjoy in

[j] Ps. cxlvii. 2.

[1] "Quisquis clericorum velit, conferat querelam."—Conc. Mag. Brit. App. vol. iv. p. 785.

[2] Shrift district. Johnson's Canons, vol. i. p. 413. The Latin word is "*paroichia.*"

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heaven the pasture of his flock. Amen. The which may He deign to grant!"

On the second day of meeting the members entered the synod, as on the first day, in full procession. When the bishop, or in his absence his vicar, had taken his place, the deacon said, "Let us pray"—"Rise upon your feet." The bishop then turning to the east, pronounced in a low tone these words: "The Lord be with you." The response—"And with thy spirit"—having been made, this prayer immediately followed:

"O God, who grantest the pledges of thy presence to us thy servants, send down upon us the spirit of charity, that in this assembly of our brethren and fellow-servants the manifold gifts of thy grace may be increased upon us through our Lord."

A passage from the Gospels was then read, beginning with these words, "Then He called his twelve disciples together," and ending, "Preaching the Gospel, and healing every where[k]." After the Gospel was finished the laity retired, and a homily of Gregory was read by the deacon, beginning, "The harvest truly is plenteous," and ending with the words, "The fathers by no means acknowledge."

[k] S. Luke ix. 1—6.

Then in the absence of any presentments on the part of the clergy, the laity were again introduced, and in their hearing this passage from the Council of Nice was read: "Let the judges fast while engaged in the execution of laws and the decision of causes." If the laity had presentments to make, they were now brought before the notice of the proper judges, and the second day's synod was then dissolved with the following benediction:

"May the God of all our thoughts and words, whether earthly or heavenly, grant you the increase of that grace which He vouchsafes to his ministering servants. Amen. Having placed you on his right hand, may He grant you a portion in his heavenly kingdom. Amen. Which may He deign to grant throughout all ages, who foreknew[3] us before the foundation of the world. Amen."

[3] The Latin phrase is given, that an opportunity may be afforded to any well-disposed reader of amending this translation, if need be. "Qui nos ante constitutionem mundi predestinatos, et ante finem sæculi justificatos, præscivit."—Conc. Mag. Brit. vol. iv. App. p. 785.

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On the third day the members entered the synod, as upon the first, in full procession. When the bishop, or his vicar, had risen up in his place, the deacon (as before) said, "Let us pray"—"Rise upon your feet." The bishop also (as before) turning to the east, pronounced these words in a low tone: "The Lord be with you;" and the response followed as on the second day, "And with thy spirit." Then this prayer was offered up:

"Assist, O Lord, we beseech Thee, us thy servants with help both for the soul and body: nourish us with spiritual food, and mercifully save us from all our enemies through Christ."

This prayer ended, a passage from the Gospel followed, beginning at the words, "These twelve Jesus sent forth, and commanded them, saying, Go not into the way of the Gentiles," and ending, "As harmless as doves[1]." After this Gospel was finished, questions, if it was so required, were proposed and presentments made. An exhortation to the clergy and an address to the people followed on the part of the bishop; and at the conclusion of his sermon, he pronounced the absolution.

[1] S. Matt. x. 5—16.

And now a deacon with uplifted voice began[4] the hymn of praise, "Te Deum"—the people responding at intervals, "Kyrie Eleyson:" and after the hymn was finished, the deacon added the antiphon, "Into the way of peace," with the *psalm*[5], "Blessed be the Lord God of Israel." This finished, the deacon again said with a loud voice, "Kneel down for the benediction!" which followed in the following form:

"The almighty Son of God, who is the beginning and the end, grant you the fulness of his love. Amen. May He who has brought you to the fulfilment of this synod wash you clean from every stain of sin. Amen. So that being set free from all condemnation, and absolved by the gift of the Holy

[4] "Deinde* diaconus alta voce *imponat*, 'Te Deum laudamus'—interim canente populo, 'Kyrie Eleyson.'" The technical meaning of the word "*imponere*" in this place probably is, "*to give the pitch*" at which the melody was to be sung.

[5] "*Cum psalmo*, Benedictus." I have translated literally the original. Perhaps "*cum hymno*" would have been more correct.

* Conc. Mag. Brit. vol. iv. Appendix, p. 785.

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Spirit, ye may return with prosperous journeys and unharmed to the repose of your own homes. Amen. Which may He deign to grant, who with the Father and the Holy Spirit liveth and reigneth, ever one God, world without end[6]."

Such appear to have been the solemnities attending an Anglo-Saxon synod. The precise forms here recounted were evidently adapted to a diocesan, not a provincial meeting, and provide for sessions during three days. Yet they may be taken as an example of the usual course pursued in ecclesiastical assemblies among our forefathers in this Church. And these solemnities might have been, as occasion required, made available by very inconsiderable alterations for all the Circ-gemotes, whether national, provincial, or diocesan, whether of longer or of shorter duration than the time to which the foregoing forms specially apply. The present forms for our provincial synods (at least in the Canterbury province) are now definitely fixed; but in the event of the general restoration of diocesan synods in these later ages of our Church, it would be desirable that the Anglo-Saxon solemnities usual on such occasions should be investigated with great exactness, in order that we might, at any rate, have the advantage of such information respecting the ancient Circ-gemotes of our country as might supply suggestions, if not positive examples for imitation.

V. Form of holding a wittena-gemote.

The Wittena-gemote[n][7], Micel-gemote, or Micel-getheaht, *i.e.* the meeting of the wise, the great meeting, or great thought, was the same among the Anglo-Saxons[o] as an imperial parliament is with us[p] at this day. Though usually assembled at the three great festivals of the Christian Church—Christmas[q], Easter, and Whitsuntide—it was called together not only at those seasons, nor perhaps always then, but sometimes also at the pleasure[r] of the prince, as grave[s] circumstances required, and for the purpose of enacting laws upon any emergency. From the preface to the laws of K. Ina we may learn that the constituent

[n] Blackst. Com. i. 147.
[o] Wake's Pres. State, p. 128, quoting Spelm. Gloss. voc. Gemotum.
[p] Sharon Turner's Hist. Anglo-Saxons, vol. iii. p. 156.
[q] Spelm. Conc. vol. i. p. 347, note. & Sharon Turner's Hist. Anglo-Saxons, vol. iii. p. 186.
[r] Kennett's Eccl. Syn. p. 219. & Sharon Turner's Hist. Anglo-Saxons, vol. iii. p. 187.

[6] Thus ends the account given in the MS. Cotton, Cleop. c. viii. f. 35, as quoted by *Charles* Spelman and Wilkins. Vid. sup. p. 166, note.

[7] For an example of the various kinds of subjects dealt with in a wittena-gemote, see Council of Ensham, A.D. 1009. Spelm. Conc. i. 525.

[8] "Ex arduis contingentibus, et legum condendarum gratiâ."—Wake's Present State, 128.

members of that wittena-gemote in which they were enacted were: 1. *bishops*[s]; 2. *aldermen*, governors of counties, sometimes called eorls or earls; 3. the elder *wites*, or wise men; 4. *the servants of God*, *i. e.* I presume, the clergy, for in another translation these are called the ministers[t] of God; and it is agreed upon all hands, indeed the subscriptions prove beyond a doubt, that abbots at least were constituent members; 5. *thanes* also, *i. e.* the landed gentry, partook[u] of this privilege; 6. and it is moreover asserted that *knights*[v] claimed seats in such assemblies. Thus they were mixed meetings of clergy and laity; and, in the words of Hume[w], "It is evident from the tenor of the ancient laws that the wittena-gemote enacted statutes which regulated the ecclesiastical, as well as the civil government, and that those dangerous principles by which the Church is totally severed from the State were hitherto unknown to the Anglo-Saxons." Not, indeed, that a full wittena-gemote decided upon questions purely spiritual; when these came under debate, the bishops and clergy went apart[x] and deliberated by themselves. But on their return their conclusions touching the law divine[y] were referred to the full assembly; and if assented to by all, carried with them not only the authority of the Church, but became the law of the land. As has been observed, the Wittena-gemotes were usually held at the three high feasts of the Christian[z] year, thus affording clear evidence that the solemnities of the State coincided with the festivals of the Church; and suggesting also matter for regret that holy and great interests, once so intimately joined together, should in any measure or degree have been put asunder.

These meetings were surrounded with all the circumstances of splendour and solemnity which such high occasions demanded, when, according to ancient custom, the great men of the realm were obliged to "attend on the king, as well to honour his person and adorn his court[a], as to consult about the grand affairs of the kingdom." The king appeared with his crown[b] upon his head, with his sceptre[c] in his hand, and adorned with all the ensigns[d] of majesty; and this custom continued even after the Anglo-Saxon period, and down as late as to the year 1158, when K. Henry II., during the Christmas[e] solemnities at Worcester, divested himself of his crown and offered it upon

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[s] Spelm. Conc. vol. i. p. 182.

[t] Conc. Mag. Brit. vol. i. p. 58.

[u] Conc. Mag. Brit. vol. i. p. 316.

[v] Ibid. & Sharon Turner's Hist. Anglo-Saxons, vol. iii. p. 159.

[w] Hist. App. No. 1.

[x] Kennett's Eccl. Syn. p. 249. Wake's Auth. pp. 158 et seq.

[y] Palgrave's Anglo-Saxons, pref. 18.

[z] Spelm. Conc. i. 347.

[a] Spelm. Conc. i. 347. & Hody, p. 57.

[b] Spelm. Conc. i. 347.

[c] Hody, 58, quoting Ailred.

[d] Hody, p. 57.

[e] Spelm. Conc. i. 347, note. & Hody, p. 57.

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the altar, from which time the ancient custom of wearing the crown at those festivals ceased for a time. As the monarch presided in the assembly, so sometimes[f], if not always, he addressed the members in a speech.

About the person of the king were the clerks[g] of the Royal Chapel and the chief officers of state. Near them were placed the bishops and abbots, habited in the vestments of their respective orders, the principal places[h] of honour being yielded to the clergy by the "lewed-folk," or laymen. These prelates had a double right to be present and to take part in the proceedings, both in respect of their spiritual capacity as teachers[i] of the people, and also as being proprietors[j] of the soil. For these were the two qualifications[k] which secured a seat in that assembly, noble birth[l] not being alone sufficient to confer that privilege, which was associated exclusively either with clerkship or property; *i.e.* with such a character for learning and such a station as was considered a guarantee of personal merit, or with such a share in real property as was deemed a security for good behaviour and a substantial interest in the common weal. Near[m] the prelates were placed the clergy[n] of inferior degree, each bishop bringing with him a certain number of priests selected from his diocese[o].

Beneath the clergy sat[o] the vassal kings, if any such existed; and on the same seats with them sat the aldermen, or, as they were called in the later Anglo-Saxon times, the eorls or earls of the shires, clad[p] in gilded robes, and distinguished by the ornaments proper to each respectively.

The next and lowest order enjoying the privilege of voting in the wittena-gemote were the thanes[q], who attended girt with swords, as being the "king's ministers[r]," engaged to defend him in time of war; among[s] these probably were the *knights*[t], if seats in this assembly are correctly assigned to them. But all those claiming the right of giving their voices at this august meeting were obliged to be landowners[u]; for no layman, however noble, could take his place there as a con-

[f] Sharon Turner's Hist. Anglo-Saxons, vol. iii. pp. 187, 188.
[g] Palgrave's Anglo-Saxons, pref. 14—16.
[h] Palgrave's Anglo-Saxons, pref. 16.
[i] Ibid. 17.
[j] Sharon Turner's Hist. Anglo-Saxons, vol. iii. p. 73.
[k] See Johnson's Can. vol. i. p. 355.
[l] Sharon Turner's Hist. Anglo-Saxons, vol. iii. p. 73.
[m] Palgrave's Anglo-Saxons, pref. 17.
[n] Wake's Auth. Christian Princes, pp. 171-2.
[o] Palgrave's Anglo-Saxons, pref. 18—20.
[p] Vestitu deaurato. Hody, p. 58, quoting Ailred.
[q] Conc. Mag. Brit. i. 316.
[r] Palgrave's Anglo-Saxons, pref. 22.
[s] Conc. Mag. Brit. i. 316.
[t] Sharon Turner's Hist. Anglo-Saxons, vol. iii. pp. 159. 162. 170. 173.
[u] Sharon Turner's Hist. Anglo-Saxons, vol. iii. p. 73.

[9] In the charter of privileges given to Glastonbury by K. Edgar, in the mixed Council of London, A. D. 970-1, we find this grant made to that monastery and its subject churches—that neither the bishop nor his official should summon their *presbyters* to a synod, chapter, or any *parliament*, "ad quodlibet *placitum*."—Spelm. Conc. i. 485.

stituent member, unless entitled to land. There is reason to suppose [v] that forty hides [vv] of land, or an estate [1] of between four and five [w] thousand acres, was the amount generally necessary to entitle the possessor to this honourable privilege, though in Wessex a less quantity, perhaps five hides [x], or between five and six hundred acres, was sufficient.

In such assemblies, among our Anglo-Saxon forefathers, were the laws made, and the necessary [y] business of the kingdom transacted. On the same occasions also it was usual for the king to hear [z] and determine controversies [a] between his great men, to receive appeals from the folc-gemotes, to dispense his munificence [b], and to take care [c] that bishops were provided for such districts as were in need.

It was customary also for the churls, or lower order of men, to be present; who, though having no votes in the assembly, yet came together on these occasions [d] in vast crowds. And notwithstanding they had no authority in the making of laws, yet by their presence they testified a popular assent to the proceedings, and were in the habit of crying out "Yea! yea!" when the *doom* [e] or enactment authorized by the witan was proclaimed.

VI. The folc-gemote.

The Circ-gemote and Wittena-gemote were the two legislative assemblies of the Anglo-Saxons. Their other assemblies were simply executive; and first among these stands the Folc-gemote, Shire-mote, or Gerefe-mote, *i. e.* the "county court," or "shire-reeve's (sheriff's) turn." The word *folc-gemote* in its generic sense signified originally any [f] assembly of the people; but specifically, and in its more defined sense, it was applied to the congress [g] of the freemen within the limits of a county, and called therefore the shire-mote. This assembly met [h] twice a year in accordance [i] with the seventh canon of K. Edgar's laws, passed A.D. 958: first, shortly after Easter (for [j] some time on Mayday); and, secondly, shortly after [k] Michaelmas. In this court the bishop [l], together with the alderman [2], originally [m] presided;

[1] On this subject Mr. Sharon Turner has roundly contradicted himself, as may be seen by comparing pp. 174 and 184 of his History of the Anglo-Saxons.

[2] Johnson says that strictly the alderman was inferior to the *earl;* that his were-gild was equal to that of a bishop, while the earl's equalled that of an archbishop; but that the titles alderman and earl were frequently confounded in ancient monuments. Johnson's Can. vol. i. p. 335.

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[v] Sharon Turner's Hist. Anglo-Saxons, vol. iii. p. 184.
[vv] Hume's Hist. App. No. 1.
[w] Jacob's Law Dict. in verb. See also Sharon Turner's Hist. Anglo-Saxons, vol. ii. p. 564.
[x] Palgrave's Anglo-Saxons, pref. 22. & see Johns. Can. vol. i. p. 355.
[y] Spelm. Conc. i. 347.
[z] Hody, p. 59.
[a] Sharon Turner's Hist. Anglo-Saxons, vol. iii. pp. 189, 190. 192.
[b] Sharon Turner's Anglo-Saxons, vol. iii. p. 187.
[c] Hody, p. 59.
[d] Palgrave's Anglo-Saxons, pref. 23.
[e] Ibid.
[f] Somner's Anglo-Sax. Dict. quoted by Jacob in verbo.
[g] Jacob's Law Dict. in verbo.
[h] Hume, p. 21.
[i] Johns. Can. vol. i. p. 411.
[j] Kennett, Eccl. Syn. p. 220.
[k] Ibid. 237.
[l] Hume, 21.
[m] Vid. 7th can. Edgar's Laws, A.D. 958. Johns. Can. vol. i. p. 411.

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but Alfred appointed a sheriff[n] also in each county, sometimes called the lesser[o] alderman, who might as the king's minister be some check upon the independence of the alderman, and "whose[p] office empowered him to guard the rights of the crown in the county, and to levy the fines imposed, which in that age formed no contemptible part of the public revenue." The spring folc-gemote was a fuller assembly[q] than the meeting held in the autumn; and that for two reasons: at the former, allegiance was sworn to the king by his fealty-men who resided within the particular county in which the court was held, and thus this was the more solemn occasion of the two; but another reason also tended to render the former assembly more crowded, which was, that the country people[r] were not much at leisure to attend the autumn folc-gemote, as being held at a season when the harvesting of their crops demanded peculiar care. In addition to the oaths of fealty taken to the king, causes[s] ecclesiastical, as well as civil, were decided in these folc-gemotes; and appeals were received from the inferior courts, *i.e.* from the hundred courts and burg-gemotes. "Secular affairs[t] were here decided in a summary manner, without much pleading, formality, or delay, by a majority of voices, and the bishop or alderman had no further authority than to keep order among the freeholders, and to interpose[u] with advice." It of course is to be presumed that ecclesiastical causes involving questions purely spiritual were never introduced here; but only such as involved the temporal accidents of Church disputes. The law spiritual was then, as it ever ought to be, dealt with in the circ-gemotes. When fines were imposed by the court, a third went[v] to the alderman; and as many of the fines were pecuniary, the profits of his office were considerably augmented by this perquisite: the remaining two-thirds[w] went to the king.

From the folc-gemote there lay an appeal to the king in council; and it is said that in the time of Alfred the people had such confidence in his wisdom and integrity that he was overwhelmed with appeals sent up from all parts of England[x].

The folc-gemotes represented our Lent and summer assizes, for after the Conquest the mixed jurisdiction of the bishop and alderman were divided, and the latter was replaced by

[n] Hume, 21.
[o] Johns. Can. vol. i. p. 325.
[p] Ibid.
[q] Kennett, Eccl. Syn. p. 220.
[r] Kennett, Eccl. Syn. p. 223.
[s] Hume's Appendix, No. 1.
[t] Hume's Appendix, No. 1.
[u] Hume quotes Hickes, Dissert. pp. 2—8.
[v] Hume's Appendix, No. 1.
[w] Ibid.
[x] Hume, 21.

the "*Count*," who was still to hold this assembly [3], called in later language the "sheriff's turn," twice a year. And more recently, though the count's jurisdiction has remained with the sheriff, yet the duty of trying causes has been transferred to the Sovereign's judges of assize, persons learned in law; and the clamorous decisions of the collected Anglo-Saxon freeholders have been replaced by the verdicts of juries, ordinarily reduced to the more reasonable and practicable number of twelve Englishmen, an institution commended by the sixth constitution of the great Council of Clarendon, A. D. 1164 [y].

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[y] Vid. Conc. Mag. Brit. vol. i. p. 435, and note.

Nor by lovers of order can this change be lamented, as there are reasons for supposing that the Anglo-Saxon folc-gemotes were not always carried on with that respect to decorum which the solemnity of the occasion, and the nature of the business to be transacted, would seem to have required. We find, indeed, a very strict law passed in K. Alfred's time against persons who disturbed the proceedings in those meetings, as though such events were not unusual; and from the tenor of the law it may be gathered that such disturbances were wont to be of a somewhat tumultuous kind. It enacts that, "If men fight before the king's alderman in court, let the satisfaction be made as for blood, and a mulct be paid as right is, and before that, 120 shillings as a mulct to the alderman. If any one cause disturbance in the county court by brandishing of weapons, let him pay 120 shillings as a mulct to the alderman. If somewhat of this happen before the king's lesser [4] alderman, or the king's [5] priest, let thirty shillings be paid as the mulct [z]."

[z] K. Alfred's Laws Eccl. can. 16. A. D. 877. Johns. Can. vol. i. p. 325.

VII. The hundred court.

The next assembly in a descending order among the Anglo-Saxons was the *hundred court*. This name was derived from the partition of the county, over which the court exercised jurisdiction, for the counties [a] were subdivided into hundreds, and the hundreds into tithings; the hundred consisting of ten tithings, the tithing originally of ten families or households. In the former, the hundred

[a] Hume, p. 21.

[3] "Vice-comes faciat" turnum "bis in anno, in loco debito et consulto, viz. semel post Pascham et iterum post festum Sc^ti Michaelis," is the usage declared in very many charters.—Kennett, Eccl. Syn. 220.

[4] *i. e.* The sheriff.

[5] *i. e.* Probably the bishop's deputy. The crime of brandishing a weapon before the bishop himself was dealt with in the ninth canon of the same code.

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constable[b], or hundreder, was the chief officer; in the latter, the tithing-man, headburg, or borsholder. In the hundred court such matters of dispute as were not deemed sufficiently important to be carried to the higher tribunals were tried, and[c] thus many civil transactions were concluded. "Here[d] testaments were promulgated, slaves manumitted, and bargains of sale ratified." To this court there lay an appeal[e] from the burg-gemote, the court of the "decennary," or "tithing," and the original cause also was here tried in case of any controversy arising between different decennaries.

The mode of proceeding in the hundred court is well worthy of our especial regard, as hence arose our present institution of[f] trial by jury, an institution the value of which we can hardly estimate duly in times of internal peace, and in the absence of secret designs and party intrigues; but which is the best bulwark against that flexibility of human judgment so easily secured by the favour of the great and powerful in every age. Twelve freeholders[g] were sworn, together with the hundreder, "to administer impartial[h] justice, and so they proceeded to the settlement of such cases as fell within their jurisdiction." The hundred was sometimes termed a wapentake, and its courts were monthly. The jurisdiction was somewhat similar, at least as regards territorial extent, even if it had not a more substantial resemblance, to our present courts of petty sessions. The present liability in our own days of the hundred to make compensation for the riotous demolition of churches and some other specified buildings is but a remnant of those Anglo-Saxon institutions, which rendered persons living within the same districts responsible for each other's behaviour; and which practically taught the wholesome lesson, that men may not live selfishly, intent only upon themselves; but that they must either provide, each in his proper sphere, for the education and honest employment of those about them and beneath them, or else justly bear those common burdens, which the general prevalence of ignorance and idleness will inevitably entail. This principle has been recognized during the reign[6] of our last sovereign but one; and it is not the only point in which we might very

[b] Jacob's Law Dict. voc. Hundred.
[c] Hume, App. No. I.
[d] Ibid.
[e] Hume, p. 21.
[f] Sharon Turner, Hist. Anglo-Saxons, vol. ii. p. 468.
[g] Sharon Turner, Hist. Anglo-Saxons, vol. ii. p. 467.
[h] Hume, p. 21.

[6] 7 and 8 Geo. IV. c. 31, regulating proceedings against the hundred in case of riotous demolitions.

wisely and very beneficially imitate the example of our Anglo-Saxon forefathers. A.D. 804—1070.

VIII. The Burg-gemote.

The lowest court was that of the "tithing" or "decennary," called the Burg-gemote, and was held thrice a year, as may be learnt from the seventh canon of Edgar's laws[i], A.D. 958. Each county, as has been remarked, was divided into hundreds, from the *hundred courts* there lay an appeal to the *folc-gemote*, or county court, and as the hundred was divided into tithings, or decennaries, so from the courts of this last division, the *burg-gemotes*, an appeal lay to the *hundred court*. The tithing was originally composed of ten families. The masters of those families formed a kind of corporation, and "under[j] the name of a tithing, decennary, or friburg, they were answerable for each other's conduct; and over them one person called a tithing-man, headburg, or borsholder, was appointed to preside." Every man was obliged to register himself within some tithing, and this precaution was taken that, in the event of any offence being committed, the guilty person might, without difficulty, be detected. In case of flight, the borsholder and tithing in which the offender was registered became liable to legal processes, and were obliged to make satisfaction to the king according to the degree of the offence, unless the borsholder of the tithing in which the accused dwelt, together with two other members of his own tithing, and three chief members from each of three neighbouring tithings, making twelve in all, were prepared to swear that the tithing was free from knowledge of the commission of the offence, and from any collusion as regarded the escape of the criminal. From this institution it was to the advantage of every man to promote public virtue, and to repress crimes among his neighbours; and those are surely wise arrangements which tend to create an indissoluble union between private interest and public morality. When an offence was not sufficiently grave to be carried at once before either of the superior courts, "the borsholder summoned[k] together his whole" tithing to aid him in giving judgment; and in such an assembly all those small differences were settled, which commonly arose within the community itself. His court, the Burg-gemote, probably entertained, among others, such questions as now in our own day frequently occupy the attention of the

[i] Johns. Can. vol. i. p. 411.

[j] Hume, p. 21.

[k] Hume, p. 21.

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members at our courts-leet, where the state of the neighbouring by-ways and condition of the foot-bridges become subjects of discussion, together with such small matters as form the chief part of parish politics.

IX. Anglo-Saxon constitution the germ of the English.

Such were the principal assemblies among the Anglo-Saxons. In them we find the germ of that constitution under which we live. The principles of our rough forefathers animate all the traditionary institutions of our native land. On her soil their footmarks are indelibly imprinted, and those traces have not been worn away by the passage of centuries over them. It might be that we should be wiser, if we followed more closely in their track. Many who believe that this age has surpassed every other in political wisdom, and outstripped all its predecessors in the science of civil government, profess much gratification in seeing the ancient principles of our constitution carried out in adaptation to present circumstances, and (in their view) amended so as to suit the exigencies of the present age. But it may occur to some minds that an imputation would justly lie not only against the political wisdom, but against the piety of this generation, if all the ancient institutions of our native land should prove objects of anxious solicitude and of at least well-intended amendment, with the exception of those alone, which are connected with the Church of God, and the defence of the Christian faith.

X. Ecclesiastical and civil laws enacted on the same occasions.

It will be observed that, during the period now before us, by far the greater number of our public assemblies are specified in the tabular list as mixed councils or wittena-gemotes. Very few national or provincial synods appear. And this may be accounted for by the fact, that at this time, from the more complete consolidation of the government, the Church and State had become so intimately united, that questions relating to the general wellbeing of the Church were almost invariably treated of at the same time and place with the meetings of the mixed councils or wittena-gemotes held for the regulation of the affairs of the state. This was constantly the case, because the chief clergy, as has been seen above, being members of the wittena-gemote, were gathered together at the meetings of that assembly, and so took occasion at the same time to arrange

synodically any matters connected with the Church and religion which required their attention. It was also convenient to transact ecclesiastical business at such times as the laity were gathered together in council, and so were ready to add legal sanctions to the recommendations and definitions of the clergy. A. D. 804—1070.

It must again be repeated that during this period the clergy were "alone and[l] by themselves as the peculiar officers and administrators of religion" in synods, they were in the mixed councils and wittena-gemotes as "common subjects[m] and one state of the realm;" but although they were still admitted to give their advice on all subjects, whether spiritual or temporal, yet the laity were "not thought equal[n] judges in pure spiritual matters." In all public matters indeed the clergy then bore an important part. In the words of the learned Spelman, "kings[o] at that time joyfully welcomed the whole body of the clergy. Thence they selected such as should preside in council, such as should undertake the chief offices of state. For with them in that age resided the key of knowledge; and while the laity were devoted to war, as the priests' lips were the monitors of the people, so were the bishops' of the king and of the commonwealth. In all the assemblies and courts of the kingdom the bishops therefore took precedence. In the royal palace the clergy were associated with the chiefs of the kingdom, in the county court with the earl, in the sheriff's turn with the sheriff, in the hundred with the hundreder; so that in the dispensation of justice the sword aided the sword; nor was any matter transacted without the clergy's advice, which as the ballast in a ship maintained a just equipoise." This intimate association of the clergy, with all the public assemblies and institutions of our country at this period, is probably one chief cause, which induced them to transact ecclesiastical business generally on the occasions of the "*mixed councils*" and "*wittena-gemotes*."

[l] Kennett's Eccl. Syn. p. 214. See also p. 249. Wake's Auth. pp. 158 et seq.
[m] Kennett, Eccl. Syn. p. 214.
[n] Ibid.
[o] Spelm. Conc. vol. i. p. 5, dedication.

In the following instances, among others, we may trace this practice. At the mixed Council of Kingston, A. D. 838, we are specially informed that the Archbishop Ceolnoth, with the bishops, kings, and optimates, "all with[p] one mind and anxious care investigated in common deliberation both *spiritual* and *secular* requirements, in order that the peace and unanimity

[p] Conc. Mag. Brit. vol. i. p. 178.

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of the Churches of God, and of all the Christian people committed to their secular jurisdiction by the grace of Almighty God, might be preserved in the closest bonds of love."

At the wittena-gemote, held at Grateley, near Andover, A. D. 928, both ecclesiastical and civil laws were enacted. It is in reference to this wittena-gemote that Bishop Kennett says, "There was a proper Church synod celebrated by Wulfelm, archbishop of Canterbury, presiding over his suffragan bishops; and K. Athelstan coming thither in devotion with his lay nobles, held a great council or parliament, and there passed the canons of the Church into the laws of the nation." The ecclesiastical synod preceded the political council, and the constitutions of the one became ratified by the civil sanctions of the other.

In the wittena-gemote held at Ensham, A. D. 1009, we have a remarkable instance of the celebration of an ecclesiastical synod and a civil council at the same time and place. This was certainly not a pure synod, for it "was[q] convened by command of the king, and passed some enactments unconnected with ecclesiastical matters;" moreover, it was held at the feast of Pentecost, on which occasion, as well as at Christmas and Easter, our[r] kings were of old accustomed to call together the chief clergy and laity, both to adorn the court and to consult for the good of the nation; and in the present instance it appears that the bishops first made their representations to the wittena-gemote of such matters as they thought should be dealt with by national authority, and that those representations were made the basis of legislation, and of the acts which there became the "doom of the witan."

[q] Spelm. Conc. in loc. Conc. Mag. Brit. vol. i. p. 294, note.

[r] Ibid.

At the beginning of the proceedings these words occur: "This[7] is in the first place the advice of the bishops," upon which follow certain general recommendations. Then follow the decrees, thus headed: "This[8] is the decree of the wise." And those decrees seem to have been founded on the advice which the bishops had tendered, so happy a union appears then to have existed between the ecclesiastical and civil power—a

[7] "Hoc autem inprimis est episcoporum primum consilium."—Conc. Mag. Brit. vol. i. p. 286.

[8] "Decretum sapientum autem est," &c.—Ibid.

union necessary for the best interests of every Christian nation in every age.

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In the case of the wittena-gemote held at Winchester[8], A. D. 1033, the laws are first laid down which refer specially to the honour of God, to the Church, and the clergy. Those laws are said to have been enacted in the wittena-gemote to promote "the praise of God, the dignity of the crown, and the good of the people[9]." Then follow the laws passed in the same assembly which are more nearly connected with civil matters, and they are prefaced with these words: "This is the civil enactment which I desire, after consultation with the witan, to be observed throughout England[1]." Well would it be for this nation, if in her legislative assemblies spiritual and temporal interests had never been divided; if that union between them, which our Anglo-Saxon forefathers seem always to have kept in mind, had ever been maintained. Happy for us if the counsel of all for the good of all had ever been carefully secured, while at the same time the just limits of the jurisdiction of that kingdom which is not of this world, and of that which is, had been rightly, wisely, and distinctly observed.

[8] Conc. Mag. Brit. i. 299.

XI. Presbyters in all synods.

It is clear that in all synods during the period now before us, abbots were constituent members; indeed it would be idle to quote instances, as the acts are almost invariably subscribed by them. And this fact is enough for our argument in proving that, according to the ancient constitution of the English Church, presbyters have a right to a place and vote in the larger synods, in accordance with the present practice of our convocations. For in the mind of the Church abbots were but presbyters; they were of the second order of the ministry, however much surrounded by the pomp of worldly circumstance; and the time has, thank God, never yet arrived when earthly mammon has been so far worshipped as to permit the riches or honours of this world to annihilate the essential distinction between the several orders of ministers in the Church of Christ. But though insisting, and that most emphatically, upon the fact that the

[9] "In laudem Dei, et sibi ipsi in ornamentum regium, et ad utilitatem populi."—Conc. Mag. Brit. vol. i. p. 299.

[1] "Hoc est *seculare* consilium, quod ex consultatione cum sapientibus meis," &c.—Ibid.

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presence and subscription of abbots at all the early national and provincial synods of our country is a sure precedent for the right of presbyters to sit and vote in national synods and in convocations now, yet it may not be amiss to state an instance in which simple presbyters are found as constituent members of such an assembly during this period; and it is the more necessary thus to strengthen this argument, on account of the endeavours made to limit the rights of presbyters in this respect to the age of K. Edward I., and to derive the present constitution of the convocations from the exercise of his will. Any thing more untrue historically than such a statement it is impossible to conceive, as will appear when we come to consider the facts connected with that reign [88]. However, as a proof (if it is needful to adduce one) that abbots were considered as presbyters so far as regarded their order in the Christian ministry, a circumstance may be mentioned connected with the mixed Council of Cliff at Hoo, A. D. 824. At the foot of the acts and signatures of that council these words occur: "Here [2] follow the names of those *presbyters* to whom the right of consecrating the holy communion has been committed," &c. The names attached are three abbots and *one* PRESBYTER, plainly shewing that they all came under the common denomination of "*Presbyteri Missales.*"

[88] Vid. inf. chaps. viii. & ix.

But the presence of *presbyters* who did not enjoy even so much as the temporal distinction of abbacy may be traced in the only fully detailed instance of a *provincial synod* which we have during this period. At the provincial Synod of Challock or Chalk, A. D. 816, we find, in addition to Archbishop Wulfrid, nine bishops, and abbots [3], that *presbyters* were members of the assembly. Deacons are also mentioned as having been present; and this was in accordance with the practice of primitive synods, in which, as we have before [t] seen, the presbyters sat while the deacons stood.

[t] Vid. sup. chap. ii. sec. 5; iii. sec. 8.

That peculiar right, also, of presenting "gravamina et reformanda" in synod, which belongs to presbyters in the English convocations, may be traced up to this early period

[2] "Hic sunt nomina missalium illorum presbyterorum," &c.—Conc. Mag. Brit. vol. i. p. 176.

[3] "Cum abbatibus, presbyteris, diaconibus (sic), pariter tractantes de necessariis et utilitatibus Ecclesiarum."—Conc. Mag. Brit. vol. i. p. 169.

of our history; and that not only as regards personal[tt] injuries received, but as regards public scandals. By the sixth of Edgar's Canons it is enacted that "every priest should make a presentation in synod, if he is aware of any obstinate sinner in his parish, or of any who have committed mortal sin," and "whom he cannot recall to amendment of life, or dare not [punish] on account of lay interference[4]."

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[tt] Conc. Mag. Brit. i. 225.

XII. Lower clergy in mixed councils and wittena-gemotes.

Not only in those times were presbyters members of all synods whatsoever, but during the period now under consideration we may also trace the presence of all orders of the clergy in the mixed councils and wittena-gemotes. The bishops were very important members of those assemblies, signing immediately after the king. Abbots were almost invariably present; it is needless to quote instances, as scarcely any council was held without them. Whenever a detailed account is given of the proceedings, they are almost always mentioned; and whenever a subscription-list of names is preserved, their signatures appear almost without exception. But not only so; presbyters and even deacons are found to have subscribed to the acts. A charter[u] granted at the mixed Council of Cliff at Hoo, A.D. 824, is subscribed by three abbots, forty-seven presbyters, and six deacons. At the mixed Council of Cliff at Hoo[v], A.D. 825, the signatures of twelve presbyters and of three deacons appear. At the mixed Council of Kingston[w], A.D. 838, six presbyters and five deacons subscribed. At the mixed Council of London[x], A.D. 971, one of the privileges granted[y] to the presbyters of Glastonbury and of five subject parishes, together with the presbyters of six districts also specified, was that they should not be liable to be called to any "mixed council[5]." And this immunity, from a liability then considered as a burden, seems to point to the inference that presbyters were frequently summoned to take part in such assemblies. At the same mixed Council of London, Ethelwold, a minister[z]

[u] Atterb. Rights, p. 310.

[v] Conc. Mag. Brit. i. 173.

[w] Spelm. Conc. i. 178.

[x] Spelm. Conc. i. 483. Conc. Mag. Brit. i. 258.

[y] Conc. Mag. Brit. i. 258.

[z] Ibid.

[4] "Ut quilibet sacerdos in synodo enunciet, si in parochiâ suâ noscat aliquem erga Deum contumacem, vel qui in peccatum mortale male inciderit, quem ad emendationem inclinare nequit, vel non audet propter seculares."—Conc. Mag. Brit. vol. i. p. 225.

[5] "Nec eorum . . . presbyteros ad quodlibet placitum convocent." Placitum in that age signified a council where "the king presided, and they usually consulted upon the great affairs of the kingdom."—See Jacob's Law Dict. in verbo.

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of the church of Winchester, signed the subscription-list, together with the king, the archbishops, bishops, abbots, and nobles. At the mixed Council of Westminster, A. D. 1065, the king's chaplains are especially mentioned[a] as having been present, the position assigned to them being between the abbots and the counts. And, moreover, three of those chaplains, viz. Osbern, Peter, and Rodbert, signed the subscription-list appended to the charter then granted to Westminster, their names appearing before those of one duke, four counts, the royal thanes, and the knights. So plain is it that the lower clergy frequently appeared in the mixed councils of those ages. So excellent a practice then prevailed of uniting together the clergy and laity in devising common counsels, and ratifying national acts for the general good.

[a] Conc. Mag. Brit. i. 316.

XIII. English Church not yet entirely enthralled — Roman jurisdiction disallowed.

During the period now before us we may trace the gradual increase of the papal power in this country, as no opportunity was ever lost on the part of Rome by which that authority might be extended. But still the English Church was not yet hopelessly cast prostrate at the feet of French and Italian ecclesiastics. Nor did this happen until this country succumbed to the victorious armies of William the Conqueror; who, in order to strengthen his political power, subverted all the spiritual liberties of this nation, deposed the last of the Anglo-Saxon archbishops, and filled not only the episcopal sees, but all the chief places of honour and power in the Church, with strangers. His ambitious designs were best to be served by erasing as far as possible all traces of nationality from our institutions, whether of Church or State. But previously to these events, and during the Anglo-Saxon times, it is evident that many of those doctrines were not received in this Church which are now deemed by Rome essential to communion with her. Thus we find that the third canon of the provincial[b] Synod of Challock or Chalk, A. D. 816 (as we have seen above, in the case of the mixed Council of Cliff at Hoo, A. D. 747), employs language far more agreeable to the true view of the constitution of the Christian Church, than to those unwarrantable claims respecting papal jurisdiction which have in more recent times been asserted. That canon commands "that a settled unity and devout inward peace remain amongst

[b] Innett, Orig. Ang. p. 252.

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us; that all have but one will in deed, and word, and judgment, without *flattery* and dispute, because we are fellow-servants in one ministry, fellow-workers in one building, members of one body, of which Christ is the head[c]," &c. In accordance with the same spirit is the eighth of Odo's Canons, A.D. 943, which runs thus: "Therefore[d] we ought to look to it, brethren, that there be concord and unanimity between bishops, and princes, and all Christian people; that there be every where unity and peace to the Churches of God: nay, that the Church be one in faith, hope, and charity, having one head, which is Christ; whose members ought to help and mutually love each other, as He Himself says, 'By[e] this shall all men know that ye are my disciples, if ye have love one to another.'" Here surely we see the true principles of the Christian Church; here is set forth that divine foundation on which she is built: and such language[f], moreover, so far from acknowledging the duty of making flattering applications to any man, or acknowledging any head save Christ, seems framed with the special object of guarding against such abuses, and against the unremitting encroachments of papal power.

[c] Johns. Can. vol. i. p. 301. See also Coll. i. p. 349.

[d] Johns. Can. vol. i. p. 362.

[e] S. John xiii. 35.

[f] See Innett, Orig. Ang. pp. 253-4.

We find indeed that even Dunstan, who was in many respects instrumental in extending the papal power over the Anglo-Saxon Church, would not consent to an entire abandonment of his independent jurisdiction as Archbishop of Canterbury. The expulsion of the married clergy, and the establishment of regulars in place of seculars, were attributable mainly to his influences; and these events were certainly favourable to the encroaching claims of Rome; "for[g] the tendency of national Churches was to continue independent of the papal power;" but the regulars, being devoted rather to the interests of their order than to those of the country, and owing their exemptions to papal influences, "supported[h] the Roman see in all its usurpations." Yet even Dunstan, though in these respects the enemy of the ancient national system, resisted papal authority in a matter which seemed to compromise his own independent jurisdiction and the just authority of an English synod.

[g] Southey's Book of the Church, vol. i. p. 99.

[h] Ibid.

This we may learn from the facts connected with the "national synod" held A.D. 969[i]. A powerful[j] noble had contracted an incestuous marriage with a relative, and though thrice re-

[i] Conc. Mag. Brit. i. 247.

[j] Ibid. p. 248.

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proved by Archbishop Dunstan, refused to abandon the unlawful connexion. Having been excommunicated by the archbishop for this offence, the nobleman appealed to the king, beseeching him to interpose his authority. The king listened to the complaint, and required Dunstan to restore the offender to communion. But the archbishop being by no means prepared to allow a question purely spiritual to be thus decided, endeavoured by persuasion to bring the nobleman to repentance and amendment. His endeavours, however, proving unavailing, and offence being heaped upon offence, he increased the severity of his former decision, by adding to it a sentence of suspension from all communication with the faithful until the sin complained of should be abandoned. This had the effect of increasing the obstinacy and anger of the person against whom the sentence was directed, and he determined to have recourse to a fresh expedient, which he thought would more surely serve his case. He sent emissaries to Rome, and by means of large bribes obtained a favourable decision, the Pope sending not only exhortations, but commands to Dunstan, which insisted upon the restoration of the offender to the bosom of the Church. But the archbishop acting, at least in this case, in a manner worthy of his position, was equally unwilling to obey the Pope as the king in a matter where neither had just authority to interfere. His language befitted an English archbishop determined to maintain the just independence of this national Church, and jealous of foreign interference with his own proper jurisdiction. "When," said he, "I shall see tokens of penitence in that person whose cause is now under consideration, I will willingly obey the precepts of the Pope; but so long as the offender continues in his sin, and claiming immunity from ecclesiastical discipline, insults my authority and rejoices in his evil deeds, God forbid that I should do so. May God defend me from contravening that law which my Lord Jesus Christ the Son of God has appointed to be kept in his Church in deference to any mortal man, yea, even though it were for the preservation of my own life." This proper determination of Dunstan thus nobly expressed had the desired effect. The offender, overcome with shame and fear, laid aside his obstinacy, abandoned his incestuous connexion, and shewed the required signs of repent-

ance. To render his submission the more remarkable, he presented himself at the national synod held A. D. 969 clad in linen garments, with naked feet, and holding a rod in his hand; and thus exhibiting evident signs of penitence, he entered the assembly, and there bewailed with groans and lamentations before the feet of Archbishop Dunstan the crimes of which he had been guilty. The offender having been thus brought to a better mind by the just exercise of English archiepiscopal authority, though opposed both by the king and the Pope, was at the instance[6] of the "whole synod absolved from excommunication, and restored to the communion of the faithful, to the great joy of all." A. D. 804—1070.

Now in the foregoing instance we may remark that the resistance made to the Pope's demands by Dunstan, and his declaration that "he would not contravene the law of Christ in deference to any mortal man," are utterly inconsistent with those claims of universal jurisdiction which are set up for the papal see. Nor can we fail to see that they were not admitted as binding in the Anglo-Saxon Church. The assertion of English archiepiscopal jurisdiction, and of the authority of a national synod, here proclaims evident marks of a proper independence.

But not only did this conduct of Dunstan shew the extent of independence upon the see of Rome claimed by our forefathers in the Anglo-Saxon Church. The case of Stigand, the last of the Anglo-Saxon archbishops, gives equally clear evidence on this head.

In the year 1062 we find that Stigand was lying under an interdict of the Pope, and that he was forbidden to exercise his office of consecrating suffragans[k]. Still[l] he continued in his archiepiscopal see, and he was owned as rightful primate in England for eighteen years afterwards. His subscription appears as archbishop, and precedes those of the other bishops at the mixed Council of Westminster, A. D. 1065; and he continued to exercise his archiepiscopal authority down to the year 1070, when in the Council of Winchester he was violently deprived of his see by William the Conqueror, who expected to strengthen the foundation of his usurped throne by ejecting the national clergy from their posts, by intro-

[k] Conc. Mag. Brit. i. 315.
[l] Innett, Orig. Ang. p. 387.

[6] "Ac demum a toto concilio postulatus," &c.—Conc. Mag. Brit. vol. i. p. 249.

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ducing foreigners into their places, and by uniting himself in the closest bonds of alliance with the Pope, thus annihilating the last traces of the proper independence of this national Church. And though we may observe the continual aggressions of the Roman power up to this period, though too often we may see cases in which it was permitted to exercise undue authority, yet the foregoing facts shew that some marks of our ancient independence still remained to us, and that our archbishops did from time to time assert their just rights, until the iron hand of a usurper, guided by political influences, hopelessly fastened upon our Church those chains under which she groaned for nearly five hundred years.

XIV. Anglo-Saxon doctrine opposed to modern Roman doctrine.

Not only did our Anglo-Saxon forefathers refuse to admit that universal jurisdiction claimed by the Bishop of Rome over all national Churches, and over this among the number,—a jurisdiction opposed alike to primitive practice and to those principles which lie at the very root of Church government as established by the Lord's Apostles and their immediate successors,—but some important doctrines of the Anglo-Saxon Church appear also plainly opposed to those, which modern Rome at any rate deems essential to terms of communion.

In the appointment of fasts.

Thus in the appointment of fasts the Anglo-Saxon Church of this period, probably on account of the ancient traditions handed down through the original British Church, symbolized with the Easterns and not with the Romanists. The ninth of Odo's Canons, A.D. 943, runs thus: "We [m] admonish that fasting with alms be very carefully observed, for these are the . . . wings which carry saints to heaven. Wherefore endeavour to keep the fast of Lent, as of the *fourth* and *sixth* day of the week, with great vigilance; and above all the Lord's day and the festivals of the saints ye are to take care that ye observe with all caution [by ceasing] from all secular work. Consent to no vain superstitions, nor worship the creature more than the Creator with magical illusions, for they who do such things shall not inherit the kingdom of God."

[m] Johns. Can. vol. i. p. 362.

Now here the Wednesday's and Friday's fasts recommended were not [n] the days appointed at this time by the Roman Church, which had received the decree for the Sabbath or

[n] Vid. Johns. Can. vol. i. p. 362, note.

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Saturday's fast; and, moreover, the latter part of this canon seems to have an eye towards the abuse of image-worship, then practised by the Latin Church, but continually resisted by the Eastern.

In the use of Holy Scripture.

Another difference between the Anglo-Saxon and the Roman Church appears in a strong contrast, as connected with the general use of Holy Scripture. Instead of withholding [o] the sacred volume, the Anglo-Saxon clergy, both by precept and example, urged its constant use. Commentaries [p] on its contents were written by Bede. The perusal [q] of the Scriptures, and especially of the Gospels, is constantly urged by Alcuin. "Study [r]," are his words, "Christ as foretold in the books of the Prophets, and as exhibited in the Gospels, and when you find Him do not lose Him, but introduce Him into the home of thy heart, and make Him the ruler of thy life." In another place he says, "Write [s] the Gospel in thy heart. Read diligently [t], I beseech you, the Gospels of Christ. Be studious in [u] reading the sacred Scriptures. The reading [v] of the sacred books is necessary." Such were the exhortations of that renowned and learned Anglo-Saxon deacon. The canons ordered that the "sacred books" should be in the possession of every priest, "so [w] that he might teach his people rightly who looked up to him." And even to this day there exist MS. copies of Saxon translations of the Gospels in [x] the Bodleian library at Oxford, at Cambridge, and in the British Museum, which are evident proofs that the Anglo-Saxon Church possessed the word of God in the vulgar tongue. Moreover, when Elfric translated the Scriptures from Latin into the vernacular tongue, "for the edification of the simple who only know this speech," he said himself in his preface to the work, "We have therefore put it not into obscure words, but into simple English, that it may easier reach the heart of those who hear or read it [y]."

On the subject of Holy Communion.

But a still more important point in which the Anglo-Saxon Church at this period differed from the teaching [z] of Rome, at least and without dispute from its modern teaching, is to be found in those canons which are attributed to Elfric, and to which the date A.D. 957 is commonly assigned. There the Roman doctrine of transubstantiation is explicitly denied. The words [a] of the

[o] Sharon Turner's Hist. Anglo-Saxons, vol. iii. p. 431.
[p] Ibid.
[q] Ibid.
[r] Ibid. note, quoting Alcuin, Op. p. 1637.
[s] Ibid. quoting Op. p. 1635.
[t] Ibid. quoting Op. p. 1561.
[u] Ibid. quoting Op. p. 1583.
[v] Ibid. quoting Op. p. 1546.
[w] Sharon Turner's Hist. Anglo-Saxons, vol. iii. p. 431.
[x] Ibid. note.
[y] Sharon Turner's Anglo-Saxons, vol. iii. p. 432, note.
[z] See Innett, Orig. Ang. p. 350.
[a] Innett, Orig. Ang. p. 353.

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last of those canons, the thirty-seventh, are as follow:—"That *housel*[7] is Christ's body, not corporally, but spiritually; not the body in which He suffered, but that body of which He spake when He blessed bread and wine for housel one night before his passion, and said of the bread blessed, 'This[b] is my body,' and again of the wine blessed, 'This is my blood' that 'is shed for many for the remission of sins.' Know now that the Lord who was able to change the bread into his body before his passion, and the wine into his blood in a spiritual manner, He Himself daily blesseth bread and wine by the hands of his priests into his spiritual body and blood[c]." Let any unprejudiced reader say whether such a doctrine held by the Anglo-Saxon Church corresponds with the modern faith of the Roman Church, considered by her as necessary to salvation, and as indispensable to terms of communion; or whether it is not identical with the faith of the English Church of the present day, handed down to us from our forefathers, and duly, I hope, venerated by ourselves.

[b] S. Matt. xxvi. 26—28.

[c] Johns. Can. vol. i. p. 405.

That the modern Roman doctrine of transubstantiation was not the doctrine of the Anglo-Saxon Church, we may learn also from another instance. About the year 957, among the ecclesiastical canons published in the reign of K. Edgar, the thirty-eighth enjoins that the priest should "have[d] some of the consecrated bread always by him, and should take care that it did not grow stale," but that if such was the case it should be burnt. Upon this Collier very justly remarks, "Had[e] the English Church been of the same belief with the modern Roman as to the point of transubstantiation—had they believed the same body that was born of the Blessed Virgin had been present under the appearance of bread, and that there had been flesh and bones, as the Trent Catechism words it, under so foreign a representation—it is hard to imagine they would have disposed of the Eucharist in this manner."

[d] Coll. Eccl. Hist. vol. i. p. 441.

[e] Ibid.

But that the doctrine of the Anglo-Saxons on the subject of the Eucharist was identical with the present doctrine of the English Church, and opposed to the modern doctrine of Rome, we may learn also from an Easter homily of Elfric Putta[f], archbishop of York. When speaking on this great mystery, among[g] other like arguments, these words occur, "Some things

[f] Coll. Eccl. Hist. i. 481.

[g] Coll. Eccl. Hist. i. 482.

[7] This word was commonly used to signify the consecrated elements at that time.

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are said of our Saviour by way of figure and some literally. By the literal meaning we are informed that Christ was born of a virgin, that He suffered a voluntary death, was buried, and rose from the dead as upon this day. All these are matters of fact, and truths which lie upon the letter. But then He is said to be bread, a lamb, and a lion, in a figurative and emblematical sense. For instance, He is said to be bread because He is the life and support of men and angels; He is called a lamb for his innocence, a lion for his strength and force by which He conquered the devil." In such a strain this Anglo-Saxon archbishop proceeds, comparing the holy Eucharist with the waters of baptism, which no Church ever pretended was wont to lose its nature upon consecration; and it is therefore clear, not only by the words of the homily, but by the reasoning and illustration upon the argument, that the doctrine of the Anglo-Saxon Church, as set forth by this Elfric, was not that of transubstantiation. And to shew what really was the doctrine of the Anglo-Saxons on this point, the words of the same Elfric Putta, in one of his letters to the clergy, are of much value and plain significance: "This sacrifice of the Eucharist is not our Saviour's body in which He suffered for us, nor his blood which He shed upon our account; but it is made his body and blood in a spiritual way, as the manna was which fell from the sky, and the water which flowed from the rock in the wilderness[g]."

Nor in the usual celebration of holy communion does the present practice of the Roman Church at all coincide with that enjoined by our Anglo-Saxon[h] forefathers. The "low mass" is now celebrated by a single priest, but the seventh of those called Theodulf's Capitula, which were translated[i] into Anglo-Saxon by Elfric, archbishop of Canterbury, for the use of this Church, is directly opposed to any such practice. "Mass[k] priests," in the words of that canon, "ought by no means to sing mass alone by themselves without other men, that he may know whom he greets, and who answer him. He ought to greet the bystanders, and they ought to make the

[h] Innett, Orig. Ang. p. 355.

[i] Johns. Can. vol. i. p. 450.

[k] Johns. Can. vol. i. p. 456.

[g] "Non sit tamen hoc sacrificium corpus ejus in quo passus est pro nobis, nec sanguis ejus quem pro nobis effudit: sed spiritualiter corpus ejus efficitur, et sanguis, sicut manna quod de cœlo pluit, et aqua quæ de petra fluxit."—Coll. Eccl. Hist. vol. i. p. 485.

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responses. He ought to remember the Lord's declaration in his Gospel. He saith, 'Where[l] two or three are gathered together in my name, there am I in the midst of them.'"

[l] S. Matt. xviii. 20.

On the subject of synods.

As regards the authority of synods, this same Elfric of Canterbury has left a document, which shews that the sense of the Anglo-Saxon Church was far more agreeable to that of the present Church of England, than to that of Rome. The thirty-third of his[m] canons, ascribed to the year 957, declares, in reference to the four Councils of Nice, Constantinople, Ephesus, and Chalcedon, that "these four synods are to be regarded as the four books of Christ in his Church. Many synods have been holden since, but yet these are of the greatest authority." Now as the modern Church of Rome pays the same deference "to the decrees[n] of the Council of Trent as she does to those of Nice, and according to the doctrine of infallibility must do so," her practice in this respect materially varies from the principle here laid down by Elfric, who plainly distinguished between the authority of the first four councils and those which came after. But this Elfric "was[o] never charged with any tincture of heterodoxy, neither have we any reason to suspect he delivered any thing different from the doctrines of the English Church."

[m] Johns. Can. vol. i. p. 401.

[n] Coll. i. 490.

[o] Coll. i. 490.

In such instances may we trace the doctrine and discipline of the Anglo-Saxon Church agreeing with our own at this day, and differing from that which is taught and practised in the Church of Rome.

XV. The last Anglo-Saxon council.

The last public assembly held during this period was the mixed Council of Westminster[p], A.D. 1065. And this may justly be termed the last Anglo-Saxon council of which authentic records remain. It was convened on Christmas day[q], 1065, exactly one year before the coronation of K. William I., and eleven days only before the death of Edward the Confessor, under whose authority it met. The members of the council, as recorded at the beginning of the account of it, were the king[r], his queen, Eadgitha (Edith, Harold's sister), the Archbishops of Canterbury and York, the bishops of England, abbots, king's chaplains, counts, royal thanes, and knights. The whole number of those who subscribed the charter which was granted to Westminster Abbey on this occasion is only forty-

[p] Spelm. Conc. i. 627. Conc. Mag. Brit. i. 316.

[q] Innett, Orig. Ang. p. 339.

[r] Conc. Mag. Brit. vol. i. p. 316.

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one; but it is by no means to be inferred that those signatures embraced the names of all persons who were members of the assembly; on the contrary, it is affirmed that it was a meeting of nearly all[9] the nobility of England. The subscription-list, however, only contains the names of the king and queen, two archbishops, nine bishops, seven abbots, the king's chancellor, two royal chaplains, one chaplain, one duke, four counts, seven royal thanes, and five knights. From this last recorded example we may gather some idea of the constituent members of the mixed councils of this period; and as being the last of the Anglo-Saxon councils, it cannot fail of being considered an important one in our present inquiry. On the day on which the council was convened, viz. Christmas day, 1065, Edward the Confessor was taken ill[s]; and finding that his end was approaching, he determined that Westminster Abbey, which he had already richly endowed, should[t] be consecrated forthwith with great pomp, so that nothing on his part might be left undone for the fulfilment of his pious designs towards that institution. This august ceremony took place on Innocents' day (Dec. 28, 1065); and so swiftly followed the death of this king upon the accomplishment of his holy work, that on the eve of the Epiphany[u] following (Jan. 5, 1066 N.S.) his spirit returned to God who gave it.

[s] Conc. Mag. Brit. vol. i. p. 322.

[t] Innett, Orig. Ang. p. 389.

[u] Conc. Mag. Brit. vol. i. p. 322, note.

Subversion of Anglo-Saxon nationality in ecclesiastical matters.

Hitherto we have seen that a peculiar nationality attached to the councils held in this country, whether ecclesiastical or civil. We have seen, too, that assertions of the independence of this Church on foreign interference were from time to time made and maintained.

We now, however, are about to pass on to a period of her history when the most vigorous endeavours were made to efface the last traces of her independence and of her nationality together. The victorious success of William of Normandy at the battle of Hastings, not only changed the dynasty of England, but the consequences of that event may be traced in more sad effects upon the history of her Church. Whatever of independent jurisdiction had remained to her archbishops was well-nigh destroyed. Her synods were sometimes subjected to the authority of foreign legates, a

[9] "Generali totius fere Angliæ nobilitatis conventu."—Conc. Mag. Brit. i. 322.

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most galling badge of slavery. Her doctrines were assimilated to those of Rome; and her whole constitution, both as regarded discipline and doctrine, succumbed before the fatal attacks of papal encroachment, no longer advancing with slow and insidious influences, but openly and avowedly encouraged by the conqueror of our country. The means he used for this end were certainly well calculated to effect it. The Archbishop [v] of Canterbury was removed from his see. His brother Agelmar, bishop of the East Angles, was degraded. Bishops [w] and abbots, condemned neither by ecclesiastical nor civil laws, were deprived of their preferments. Thus K. William endeavoured by all [x] means within his power, to eject as many Englishmen as possible from their posts, in order that he might supply their places with his own countrymen, who would exert their influence to render his usurped dominion the more secure. And when the Anglo-Saxon ecclesiastics were deprived, Normans, thoroughly imbued with Roman influences, were substituted in their places; and so extensively, not only as regarded the offices of the Church, but also of the State, was this policy pursued, that it is said "that [y] in the course of the next generation, among all the bishops, abbots, and earls of the kingdom, not one was to be found of English birth." K. William perceived, after conquering the Anglo-Saxon troops, that his usurped power would never be firmly secured but by a conquest also over our whole constitution in Church and State. In accomplishing the subversion of the one he received willing assistance from the Roman Pontiff; for the destruction of the other he depended more exclusively on his own resources; and he certainly prosecuted both purposes with uncommon determination, and no mean success.

[v] Conc. Mag. Brit. vol. i. p. 322.

[w] Ibid.

[x] Ibid.

[y] Southey's Book of the Church, p. 117.

It is not wonderful that the liberties of the Anglo-Saxon Church should have been the object of K. William's peculiar aversion, and that his best endeavours should have been directed towards reducing her to entire subjection. For it is plain that any remains of peculiar nationality would be unpalatable to him as a foreigner, and dangerous to him as a usurper. But besides this, some of the principal churchmen, and among them Archbishop Stigand, had resisted to the last his victorious arms. For after the battle of Hastings this arch-

bishop, with the Kentish men, made a stand at Swanscombe, near Dartford; nor would they submit until terms were granted somewhat more agreeable to the ancient liberties of the nation than had at first been offered. A. D. 804—1070.

Not only had the archbishop thus marched in arms against the usurper of his country's throne, but he also refused[z] to crown him king; and these acts may reasonably be supposed to have engaged the Conqueror against the interests of that prelate, as well as against the national Church of which he was the chief representative.

[z] Thierry's Norm. Con. vol. i. p. 245.

No readier means suggested themselves for her entire subjugation than an attack upon her spiritual and civil liberties, backed by all the assistance which Rome could lend. Encroachment after encroachment had been made upon her by the Popes throughout the Anglo-Saxon times; often had her liberties been imperilled, though never entirely overthrown; her primitive doctrines, her nationality, her just rights had from time to time been assailed, often with too great, though not as yet with complete, success. But now the time had arrived when he who wielded the civil power was ready and willing to assist those papal encroachments. The interests of the usurper and the Pope were capable of being served by the same line of conduct towards the Church of this land, and she fell as a helpless captive under the united powers of that unholy alliance. Circumstances all combined to forward such an event. Our last Saxon archbishop, Stigand[a], had been interdicted by the Pope; but notwithstanding this, in assertion of his just independence, he continued in his see. This conduct of course rendered him obnoxious to papal displeasure. The Conqueror, on the other hand, had taken care before his attack upon England to engage his holiness on his side. With this view he had sent emissaries to Rome, who so far worked upon Alexander II. as to induce him not only to espouse their master's cause, but to present him with a standard[b] and a consecrated ring[c] of great value, as encouragements to his undertaking. Under these circumstances it was natural that the Pope and the Conqueror should heartily unite.

[a] Conc. Mag. Brit. vol. i. p. 315. & Thierry's Norm. Con. vol. i. p. 144.

[b] Coll. i. 552.

[c] Thierry's Norm. Con. vol. i. p. 159.

K. William gladly availed himself of the spiritual weapons of Rome in destroying the nationality of the Anglo-Saxon

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Church and curtailing the power of her prelates, both of which would appear formidable obstacles to the quiet possession of his usurped dominions. The Pope, on the other hand, readily hailed so favourable an opportunity of obtaining the aid of the civil power in humbling an archbishop who had set Roman authority at defiance, and in securing that long-desired object, the complete subjugation to himself of the Church of this nation.

Thus in the public assemblies which met during the next period of our history we shall observe a manifest change as regards their constitution. In the very first great council held under the Norman usurper, that of Winchester, A.D. 1070, in the place of a native archbishop will be found a foreigner, to whose title, as a Swiss bishop, the flourish of the term "papal legate" was appended; and as though this was not a sufficient humiliation for the Church of our country, the names of two presbyter cardinals are added as members of the assembly. So suddenly and so determinedly were the counsels of Archdeacon Hildebrand[d], and the influences of the palace of S. John of Lateran, brought to bear upon this national Church, under the fostering care of the civil power at home.

[d] Thierry's Norm. Con. vol. i. pp. 158-9.

CHAPTER VIII.

ANGLO-NORMAN SYNODS AND COUNCILS

FROM THE DEPRIVATION OF ARCHBISHOP STIGAND, A.D. 1070, TO THE RESIGNATION OF ARCHBISHOP ROBERT KILWARBY, A.D. 1279.

SUMMARY.

I. Introduction. II. Effects of the Conquest on the Anglo-Saxon Church. III. These effects visible in the acts of the first great council held—Great Council of Winchester held concurrently with a legatine synod—Anglo-Saxon ecclesiastics deprived. IV. Work of deprivation carried on at the great Council of Windsor. V. Changes effected in the constitution of English councils by the Conquest. VI. Synods and great councils sometimes held concurrently. VII. Synods sometimes held distinctly from great councils. VIII. Great councils sometimes held distinctly from synods. IX. Anglo-Saxon arrangements generally imitated in these points. X. Increase of papal power in England. XI. Resistance of the Church of England. XII. Constitution of national and provincial synods in this age. XIII. Archbishops and bishops constituent members. XIV. Deans constituent members. XV. Abbots constituent members. XVI. Priors constituent members. XVII. Archdeacons constituent members. XVIII. Chosen presbyters constituent members. XIX. Representative principle introduced into England—A digression. XX. How chosen presbyters came to be elected by the clergy. XXI. False statements respecting the constitution of the convocations—An error of Lord Coke. XXII. Form of a provincial synod of this period. XXIII. General remarks on the constitution of national and provincial synods.

Ἀπὸ πολέμου τινὸς τῶν προσοίκων βαρβάρων ἐφθάρησαν, καὶ τῆς δυνάμεως τῆς πολλῆς ἐστερήθησαν.—THUCYD. *Hist.* lib. i. c. 24.

Οὐκ ὅλοις πεντήκοντα καὶ τρισὶν ἔτεσιν ὑπὸ μίαν ἀρχὴν ἔπεσε τὴν Ῥωμαίων· ὃ πρότερον οὐχ εὑρίσκεται γεγονός.—POLYB. *Hist.* lib. i. c. 1.

> "Deterior donec paulatim ac decolor ætas,
> Et belli rabies, et amor successit habendi."
>
> VIRG. *Æn.* viii. 326-7.

I. Introduction.

THE tabular list of synods and councils held during this period is appended, and it is proper to remark that after the Norman Conquest a difference will

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appear in the designation of the civil assemblies placed in the last column[1]. The terms "Wittena-gemote" and "Mixed

[1] LIST OF ANGLO-NORMAN SYNODS AND COUNCILS, A.D. 1070—1279.

Date. A.D	Place.	Archbishop or Bishop.	King.	Reference.	Nature of Assembly.
1070	Winchester ..	Stigand, deprived	William I. ..	Conc. M. B. i. 322. Ibid. 310. Att. Rights, 36.	Great Council held concurrently with Legatine Synod under Hermanfred, bp. of Sion.
1070	Windsor	See Cant. vacant	William I. ..	Conc. M. B. i. 322. Kennett's Ecc. Syn. 252.	Great Council held concurrently with Legatine Synod under Hermanfred.
1070	Pennenden ..	Lanfranc	William I. ..	Conc. M. B. i. 323 ..	Uncertain.
1071	Petherton, Somersetshire	Lanfranc	William I. ..	Ibid. 324	Great Council.
1072 Easter	Winchester ..	Lanfranc	William I. ..	Ibid. 325	Synod held concur. with Great Council.
1072 Whitsun.	Windsor	Lanfranc	William I. ..	Ibid. 324-5	Great Council held concurrently with Legatine Synod under Hubert.
1075	Winchester ..	Lanfranc	William I. ..	Ibid. 362. 369	National Synod.
1075	S. Paul's, London	Lanfranc	William I. ..	Ibid. 363-4. 369	National Synod.
1076	Winchester ..	Lanfranc	William I. ..	Ibid. 365. 369	National Synod.
1077	Westminster..	Lanfranc	William I. ..	Ibid. 367	Great Council.
1078	London	Lanfranc	William I. ..	Ibid. 367	Synod.
1085	Gloucester ..	Lanfranc	William I. ..	Ibid. 368	National Synod held concurrently with Great Council.
uncrt.	Gloucester ..	Lanfranc	William I. ..	Ibid. 369	National Synod.
1092	Worcester ..	Bp. Wulstan..	William II. ..	Ibid. 369	Diocesan Synod.
1093	Uncertain ..	Anselm, consecrated	William II. ..	Ibid. 370	National Synod of Bishops only.
1094	Rockingham ..	Anselm	William II. ..	Ibid. 371	Great Council.
1100	Lambeth	Anselm	Henry I.	Ibid. 375	National Synod.
1101	Windsor	Anselm	Henry I.	Ibid. 381	Great Council.
1102	S. Peter's, Westminster	Anselm	Henry I.	Ibid. 382-3	National Synod held concurrently with Great Council.
1103	London	Anselm	Henry I.	Ibid. 384	Uncertain.
1107	London	Anselm	Henry I.	Ibid. 386	Great Council.
1108	London	Anselm	Henry I.	Ibid. 387	Great Council.
1109	London	Anselm	Henry I.	Ibid. 390	Great Council.
1116	Salisbury	Radulph	Henry I.	Ibid. 393	Great Council.
1122	Gloucester ..	Radulph	Henry I.	Ibid. 404	Uncertain.
1126	Westminster..	Wm. Corbel..	Henry I.	Ibid. 406-8	Legatine Synod. John de Crema, legate.
1127	Westminster..	Wm. Corbel..	Henry I.	Ibid. 410	National Synod.
1129	London	Wm. Corbel..	Henry I.	Ibid. 411	Great Council.
1129	London	Wm. Corbel..	Henry I.	Ibid. 411	National Synod.
1132	London	Wm. Corbel..	Henry I.	Ibid. 412	Great Council.
1136	Westminster..	Wm. Corbel..	Stephen	Ibid. 412	Great Council.
1137	Hereford	Robert, bp...	Stephen	Ibid. 413	Diocesan Synod.
1138	Northampton.	Thurstan of York, see of Cant. vacant	Stephen	Ibid. 413	Great Council.

[1138 Westminster

Council" will no longer be used, but the civil assemblies, called indifferently "Magna Concilia," "Placita," "Parliamenta," | A.D. 1070—1279.

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Date. A. D.	Place.	Archbishop or Bishop.	King.	Reference.	Nature of Assembly.
1138	Westminster..	Theobald	Stephen	Conc. M. B. i. 413-4	Legatine Synod under Alberic, legate.
1139	Winchester ..	Theobald	Stephen	Ibid. 419	National Synod.
1141	London	Theobald	Stephen	Ibid. 419	Great Council.
1142	Winchester ..	Theobald	Stephen	Ibid. 420	Legatine Synod under Henry, bp. of Winchester.
1142	Westminster..	Theobald	Stephen	Ibid. 421	Legatine Synod under Henry, bp. of Winchester.
1143	London	Theobald	Stephen	Ibid. 421	Legatine Synod under Henry, bp. of Winchester.
1143	Winchester ..	Theobald	Stephen	Ibid. 422	Legatine Synod under Henry, bp. of Winchester.
1151	London	Theobald	Stephen	Ibid. 424	National Synod.
1154	London	Theobald	Henry II. ..	Ibid. 426	Great Council.
1157	Northampton .	Theobald	Henry II. ..	Ibid. 427	Synod.
1157	Colchester ..	Theobald	Henry II. ..	Ibid. 427. See also 430	Great Council.
1161	Newmarket ..	See Cant. vac.	Henry II. ..	Ibid. 433	Great Council.
1162	Westminster..	Th. A'Becket .	Henry II. ..	Ibid. 434	Provincial Synod.
1164	Clarendon ..	Th. A'Becket .	Henry II. ..	Ibid. 435	Great Council.
1164	Northampton .	Th. A'Becket .	Henry II. ..	Ibid. 436	Great Council.
1166*	Oxford	Th. A'Becket .	Henry II. ..	Ibid. 438	National Synod of Bishops only.
1170	London	Th. A'Becket .	Henry II. ..	Ibid. 458	Great Council.
1173	Westminster..	Richard	Henry II. ..	Ibid. 474	Great Council.
1175	Westminster..	Richard	Henry II. ..	Ibid. 476	Provincial Synod.
1175	Reading	Richard	Henry II. ..	Ibid. 482	Great Council.
1175	Woodstock ..	Richard	Henry II. ..	Ibid. 482	Synod.
1175	Windsor	Richard	Henry II. ..	Ibid. 483	Great Council.
1176	Northampton .	Richard	Henry II. ..	Ibid. 483	Great Council.
1176	Westminster..	Richard	Henry II. ..	Ibid. 485	Legatine Synod under Hugo.
1177	Northampton .	Richard	Henry II. ..	Ibid. 485	Great Council.
1177	Westminster .	Richard	Henry II. ..	Ibid. 486	Great Council.
1182	Marlborough .	Richard	Henry II. ..	Ibid. 488	National Synod of Bishops only.
1183	Uncertain ...	See Cant. vac.	Henry II. ..	Ibid. 488	National Synod.
1184	Windsor	Baldwyn, elected	Henry II. ..	Ibid. 488	National Synod.
1186	Ensham	Baldwyn	Henry II. ..	Ibid. 490	National Synod.
1188	Gayton, Northamptonshire	Baldwyn	Henry II. ..	Ibid. 491	Great Council.
1189	Pipewell, Northamptonshire	Baldwyn	Richard I. ..	Ibid. 492	National Synod.

[1189 Canterbury

* Conc. M. B. under this date give the Council of *Chinun:* but there must be a misapprehension. Archbishop A'Becket wrote a letter to K. Henry II., then at Chinon, in Touraine. Hence possibly the mistake in introducing this name among English councils.—Collier, ii. 291.

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by historians of this time, will always be denominated "*Great Councils.*" The "Curiæ Regis," though not perhaps councils of so august a character as the former, will be placed under the same head. It must also be clearly understood that *all* the

LIST OF ANGLO-NORMAN SYNODS AND COUNCILS, A.D. 1070—1279—*continued.*

Date. A.D.	Place.	Archbishop or Bishop.	King.	Reference.	Nature of Assembly.
1189	Canterbury ..	Baldwyn	Richard I. ..	Conc. M. B. i. 493 ..	Synod.
1190	Westminster .	Baldwyn	Richard I. ..	Ibid. 493	Synod.
1190	Westminster .	Wm., bp. of Ely	Richard I. ..	Ibid. 493	Provinc. Synod under Legatine authority of William, bp. of Ely.
1190	Gloucester ..	Wm., bp. of Ely	Richard I. ..	Ibid. 493	Synod under Legatine authority of William, bishop of Ely.
1191	London	See Cant. vac.	Richard I. ..	Ibid. 494	Synod.
1191	Canterbury ..	See Cant. vac.	Richard I. ..	Ibid. 494	Convention of Ecclesiastics and Laity.
1193	Canterbury ..	See Cant. vac.	Richard I. ..	Ibid. 495-6	Synod of Bishops.
1195	York	Hubert Walter	Richard I. ..	Ibid. 501	Diocesan Synod.
1199	Westminster .	Hubert Walter	John.....	Ibid. 504	Provincial Synod.
1200	Westminster .	Hubert Walter	John.....	Ibid. 505	Synod.
1200	Westminster .	Hubert Walter	John.....	Ibid. 508	An Ecclesiastical Court.
1203	Oxford.....	Hubert Walter	John.....	Ibid. 511	Great Council.
1206	S. Alban's ..	See Cant. vac.	John.....	Ibid. 514	National Synod.
1206	Reading	See Cant. vac.	John.....	Ibid. 515	Synod under Johannes Ferentinus, legate.
1207	London	See Cant. vac.	John.....	Ibid. 515	Great Council.
1207	London	See Cant. vac.	John.....	Ibid. 515	Great Council.
1210	London	S. Langton ..	John.....	Ibid. 531	Great Council.
1211	Northampton.	S. Langton ..	John.....	Ibid. 531	Great Council.
1213	S. Alban's ..	S. Langton ..	John.....	Ibid. 540	Great Council.
1213	S. Paul's, London	S. Langton ..	John.....	Ibid. 540	Convention of Ecclesiastics and Laity.
1213	Westminster .	S. Langton ..	John.....	Ibid. 540	Synod.
1213	Wallingford..	S. Langton ..	John.....	Ibid. 541	Synod.
1213	Reading	S. Langton ..	John.....	Ibid. 540	Synod.
1214	Dunstable ..	S. Langton ..	John.....	Ibid. 544	Provincial Synod of Bishops only.
1214	S. Paul's, London	S. Langton ..	John.....	Ibid. 544	Legatine Convention under Nicholas of Frescati.
1214	Reading	S. Langton ..	John.....	Ibid. 546	Great Council.
1216	Bristol	S. Langton ..	Henry III. ..	Ibid. 546	Legatine Convention under Gualo, legate.
1220	Canterbury ..	S. Langton ..	Henry III. ..	Ibid. 572	Convention of Ecclesiastics and Laity.
1220	Durham	Richard de Marisco, bp.	Henry III. ..	Ibid. 572	Diocesan Synod.
1222	Canterbury ..	S. Langton ..	Henry III. ..	Ibid. 584. Hody, pt. iii. 91	Provincial Synod.
1222	Oxford.....	S. Langton ..	Henry III. ..	Conc. M. B. i. 585 ..	Synod.

[1226 S. Paul's

"great councils" and "curiæ" held during this period are not included in the tabular list, but only such of them as were specially connected with ecclesiastical affairs, and have therefore been deemed proper by Wilkins to be inserted in his

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LIST OF ANGLO-NORMAN SYNODS AND COUNCILS, A.D. 1070—1279—*continued.*

Date. A.D.	Place.	Archbishop or Bishop.	King.	Reference.	Nature of Assembly.
1226* N.S.	S. Paul's, London	S. Langton ..	Henry III. ..	Conc. M. B. i. 502 ..	Provincial Synod.
1226 N.S.	London	S. Langton ..	Henry III. ..	Ibid. 606-7	Great Council.
1226	London	S. Langton ..	Henry III. ..	Ibid. 603. 605	Provincial Synod.
1227 N.S.	Westminster .	S. Langton ..	Henry III. ..	Ibid. 620-21.....	Great Council, with concurrent Synod.
1229	Westminster .	Richard Wethershed	Henry III. ..	Ibid. 622	Great Council.
1231	Oxford.....	See Cant. vac.	Henry III. ..	Ibid. 629	Provincial Convention of Bishops and others.
1232 N.S.	S. Alban's ..	See Cant. vac.	Henry III. ..	Ibid. 629	Convention of Ecclesiastics and Laity.
1235 N.S.	London	Edmund	Henry III. ..	Ibid. 630	Great Council.
1237	S. Paul's, London	Edmund	Henry III. ..	Ibid. 647	Legatine Synod under Otho.
1238	London	Edmund	Henry III. ..	Ibid. 663	Legatine Synod under Otho.
1239	London	Edmund	Henry III. ..	Ibid. 663	Legatine Synod under Otho.
1240	Worcester ...	Walter de Cantilupe, bp.	Henry III. ..	Ibid. 665	Diocesan Synod.
1240	Reading	Edmund	Henry III. ..	Ibid. 678	Convention of Ecclesiastics and Laity.
1240	Northampton .	Edmund	Henry III. ..	Ibid. 679	Legatine Synod of Bishops.
1240	London	Edmund	Henry III. ..	Ibid. 681	Legatine Synod.
1241	Oxford.....	Edmund	Henry III. ..	Ibid. 682	National Synod.
1244	London	Boniface	Henry III. ..	Ibid. 684	Convention of Ecclesiastics and Laity.
1244	Rochester ...	Bp. uncertain .	Henry III. ..	Ibid. 685	Diocesan Synod.
1246	London	Boniface	Henry III. ..	Ibid. 686	Synod.
1250	Oxford.....	Boniface	Henry III. ..	Ibid. 697	Synod.
1252	London	Boniface	Henry III. ..	Ibid. 702	Great Council.
1255	Norwich	Bp. Walter de Suthfield	Henry III. ..	Ibid. 708	Diocesan Synod.
1255	London	Boniface	Henry III. ..	Ibid. 709	Legatine Synod under Rustand.
1255	London	Boniface	Henry III. ..	Ibid. 711	Legatine Synod under Rustand.
1256	Westminster .	Boniface	Henry III. ..	Ibid. 713	Convention of Ecclesiastics and Laity.
1257	London	Boniface	Henry III. ..	Ibid. 722	Synod of Archdeacons. [1257 London

* This provincial synod was summoned in accordance with the present practice, a mandate having on this occasion been sent by the Archbishop of Canterbury to the Bishop of London to cite suffragans, &c.

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"Concilia Magnæ Britanniæ." Even the great Council of Runnymede, where the charter of English liberty was ratified, is not here mentioned. Very numerous instances of "great councils" and "curiæ" held during this period, and not here inserted, may be found, by those who are curious in such inquiries, in Hody's "History of English Councils," and also in a modern book of laborious research entitled "Parliaments[2] and Councils of England." The term "*Convention*" is used on a

LIST OF ANGLO-NORMAN SYNODS AND COUNCILS, A.D. 1070—1279—*continued.*

Date. A.D.	Place.	Archbishop or Bishop.	King.	Reference.	Nature of Assembly.
1257*	London	Boniface	Henry III. ..	Conc. M. B. i. 723 ..	Provincial Synod of Canterbury.
1258*	Merton.....	Boniface	Henry III. ..	Ibid. 736	National Synod.
1258	Oxford	Boniface	Henry III. ..	Ibid. 740	Synod.
1261	Lambeth	Boniface	Henry III. ..	Ibid. 746. 755, and note	Provincial Synod of Canterbury.
1261	Beverley	.....	Henry III. ..	Ibid. 755	Provincial Synod of York.
1263	Westminster .	Boniface	Henry III. ..	Ibid. 759	Legatine Synod under Leonard and Berard.
1265	Northampton .	Boniface	Henry III. ..	Ibid. 762	Great Council, with concurrent Legatine Synod under Othobon.
1268	S. Paul's, London	Boniface	Henry III. ..	Conc. M. B. ii. 1....	Legatine Synod under Othobon.
1269	New Temple, London	Boniface	Henry III. ..	Ibid. 19	Provincial Synod.
1269	Uncertain ...	Boniface	Henry III. ..	Ibid. 21	Synod of Bishops only.
1271	Reading	See vacant ..	Henry III. ..	Ibid. 24	Synod of Bishops only.
1272	London	Robert Kilwarby	Henry III. ..	Ibid. 24	Synod of Bishops only.
1272	Eye, in Suffolk	Roger, bp. of Norwich	Henry III. ..	Ibid. 25	Diocesan Synod.
1272	London	Robert Kilwarby	Henry III. ..	Ibid. 25	Provincial Synod.
1273†	New Temple, London	Robert Kilwarby	Edward I. ..	Ibid. 26	Provincial Synod.
1277‡	London	Robert Kilwarby	Edward I. ..	Ibid 30	Provincial Synod.
1278	Windsor	See vacant ..	Edward I. ..	Ibid. 32	Great Council.

* These two synods were held under mandates which set forth the constituent members at length: viz. archbishops, bishops, deans, abbots, priors, and archdeacons with letters of proxy. To prove that the Synod of Merton was *national*, see Conc. M. B. i. 736 ad im. and 740, note.

† The mandate to this provincial synod enforced the primitive practice of bishops bringing chosen presbyters to synods.—Ex Reg. Giffard Wigorn. fol. 41.

‡ The mandate (ex Reg. Giffard Wigorn. fol. 71) to this synod shews that clergy proctors were to attend in addition to the other members. *Thus* was the representative system introduced, though no change was made in the constituent members of our provincial synods.

[2] By Charles Henry Parry. Published by J. Murray, 1839.

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few occasions to represent a mixed meeting of clergy and laity held for extraordinary purposes.

There must also now be frequently and unhappily introduced a term which after the Norman Conquest became too common, viz. "*Legatine Synod*," and of which very early examples will be found on reference to the tabular list.

In the designation of proper English synods no alteration will be made. The distinctions laid down in Chapter V. on this head will be carried throughout [a].

[a] Chap. v. sec. 1.

II. Effects of the Conquest on the Anglo-Saxon Church.

K. William I. had no sooner conquered our native troops and reduced the country under military subjection, than he set himself to eject the Anglo-Saxons from offices both of Church and State, introducing Normans into their places, and thus strengthening the foundations of his government by such means as usurpers in every age know too well how to practice—

"....ille [aa] novos ritus nova sacra per urbes
Instituit, priscasque audet rescindere leges."

[aa] Vidæ Christ. lib. i. 210-11.

The alliance which had been entered into between the Pope and the Conqueror previously to the sailing of the Norman expedition for these shores, the desire of both to subjugate the Anglo-Saxons respectively to their spiritual and temporal sway, the dislike which the former bore to Archbishop Stigand on account of his resistance to papal jurisdiction, the suspicion with which the latter regarded him on account of the stand made at Swanscombe and the refusal to place the crown on the usurper's brow,—all these circumstances combined to produce effects which soon began to be felt severely, and to exercise terrible influences over the condition of our Church.

The incomes of the bishoprics [b] and abbeys were employed in rewarding adventurers who had assisted in the conquest. The see of Lincoln was conferred on Remi [c], "formerly a monk at Fecamp," who had supplied a vessel equipped with twenty armed men in 1066. This person and the other new Norman prelates ejected the Anglo-Saxon monks every where from their abodes "on the domains [d] of the episcopal Churches," much to the gratification of William the Conqueror, who held "that monks [e] of English race could only bear him ill will." The bishoprics, archdeaconries, and

[b] Thierry's Norm. Con. vol. i. p. 250.
[c] Ibid. quoting Will. Malmes. de Gest. Pont. iii. 290.
[d] Thierry's Norm. Con. vol. i. p. 250.
[e] Ibid. quoting Ingulf, p. 86.

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deaneries of England became the prey of men who were priests only in name, and who in place of teaching the holy doctrines of Christianity became notorious, many of them for extravagance and pride, some of them for their infamy [f].

[f] Thierry, vol. i. p. 250, quotes Will. Malmesb. de Gest. Pont. p. 377.

The monastery [g] of Coventry afforded an example of the outrageous treatment which the Anglo-Saxon ecclesiastical institutions received at the hands of those foreigners who obtained here positions of authority. The monks who inhabited it were pillaged in the most scandalous manner by Robert de Limoges. Having been appointed Bishop of Lichfield, he made use of his power in "forcing [h] open their caskets and coffers, and ultimately pulled down their houses to build with the materials an episcopal palace, the cost of furnishing which was defrayed by melting down the gold and silver ornaments that decorated the Church." So great was the tyranny of the Norman prelates and abbots, that they were not content to wield merely spiritual weapons, forged on the papal anvil, and directed to pierce the vitals of the national Church in her spiritual constitution, but they carried on the war against Anglo-Saxon churchmen with veritable swords of iron. "More [i] than one English convent was the scene of military executions." One Torauld [j], who had been invested with the government of one of our monasteries, was accustomed to call out his guard whenever the monks resisted any of his innovations upon their ecclesiastical discipline; and after those subjected to this tyranny had been delivered from his iron sway by his removal to Peterborough, which from its neighbourhood to the Saxon camp of refuge was said by K. William "to be very fit for one who was rather a soldier than an abbot [k]," they fell into yet worse hands. For Guerin de Lire, who succeeded this martial ecclesiastic, emptied what remained in the purses of those committed to his care, that he might "brag [3] of his present wealth before his old acquaintance who had known him in poverty." And as if this wholesale robbery was not sufficient to satisfy the ill will of this Norman intruder, he dug up [l] the remains of his predecessors, abbots of Anglo-Saxon race, and scattered their ashes to the winds.

[g] Thierry quotes Lanfranci Op. p. 315.

[h] Thierry quotes Anglia Sacra, i. 445.

[i] Thierry's Norm. Con. vol. i. p. 251.

[j] Ibid.

[k] Thierry quotes Will. Malmes. v. 372.

[l] Thierry quotes Anglia Sacra, ii. 142.

[3] "Ut apud eos, qui olim eum pauperem vidissent, compararet jactantiam."—Thierry quotes Will. Malmesb. v. 372.

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III. These effects visible in the acts of the first great council held.

To such extremities were the Anglo-Saxon ecclesiastics reduced by the Norman adventurers. As might be supposed, the effects of this great change which had passed upon our country was immediately felt in the constitution of her synods and councils, and is at once observable in the circumstances connected with them. The first public assembly held after the Conquest, at least so far as records remain, was the great council, with a concurrent legatine synod, convened at Winchester, A.D. 1070; and on this very first occasion when the Anglo-Saxon ecclesiastics were summoned to meet, papal influences were brought to bear upon them. During the previous periods of our history we have usually seen synods summoned and presided over by native archbishops and bishops, and mixed councils called together by the civil power. A change in this respect now becomes manifest; and Roman authority sets its mark directly and unmistakably upon the documents connected with the public assemblies of the country. In accordance with K. William's application to his friend Pope Alexander II. three legates of the papal see arrived here in the year 1069, Hermanfred, bishop of Sion, and the presbyter cardinals Peter and John. From the presence of these representatives of his old ally, who had encouraged the descent upon England by consecrated presents, and from the influence which the Pope could naturally exercise over those foreign ecclesiastics here advanced to places of high honour, K. William promised himself much assistance in the management of his usurped dominion. And so unwilling was he to part with them, that "he kept[m] them with him a whole year, honouring them," says an old historian, "as though they were angels of God." Certainly he had good reason to prize their aid; for they put that crown upon his head which Stigand, the Anglo-Saxon archbishop, had refused to place there, and thus, in the minds of those who gave entire allegiance to Rome, they dispelled the effects of that malediction[n] with which Eldred, archbishop of York, had accompanied the former coronation, in which he had taken an unworthy part.

[m] Thierry, vol. ii. p. 244.

[n] Thierry, vol. i. p. 244.

Great Council of Winchester

K. William determined to hold a council on the octave of Easter, 1070, assisted by his

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held concurrently with a legatine synod.

legatine allies; and on this occasion a mandate of a new and strange character was issued to call the ecclesiastical members to the assembly. They were not summoned by any native ecclesiastical superior, not by the king, not by any authority which had been usually exerted in our country, but this very first and earliest opportunity was taken of introducing that manifest token of papal interference —a legatine summons. And as the Conqueror and the Pope's representative succeeded in enforcing obedience to it upon this memorable occasion, so this exercise of foreign authority was subsequently too often repeated, of which we shall have to witness sundry galling instances during the two next periods of this inquiry.

The haughty and insulting character of this summons directed to the Anglo-Saxon prelates might well have alarmed them for the event of the great council which they were bidden to attend. "Though[o] the Church of Rome," is the language used, "ought to watch for the correction of all Christians, more specially is she bound to inquire into your life and conversation, and also by means of careful visitation to repair the decline of the Christian religion among you, in which she originally gave you instruction. In the due discharge of this care we, the unworthy servants of the blessed Apostle Peter, supported by the authority of our lord, Pope Alexander, have directed our steps to your country, that we may celebrate here a council with you, and so proceed to uproot those tares which spring up in the vineyard of the Lord of Sabaoth, and to sow such seed as shall turn to the profit of your souls and bodies. In furtherance of this our anxious care we enjoin you, brother, by apostolical authority to present yourself without fail on the third day after next Easter at Winchester, and to admonish by these presents all the abbots of your diocese to accompany you."

[o] Conc. Mag. Brit. vol. i. p. 323.

Such was the summons to Winchester directed to Wulstan, bishop of Worcester; and it must be presumed that those directed to the other bishops were the same, or, at any rate, of like character. Now as K. William and his ally, the Pope, had determined to get rid of bishops, abbots, and all ecclesiastics of the Anglo-Saxon race, the real intent of these words was to gloss over political infamy with a surface of

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religion. The care expressed for the life and conversation of the English churchmen was soon exercised in an appropriation of their worldly goods. The visitation promised to repair the decline of the Christian religion was commuted into an inspection, which might discover the comparative wealth of their coffers. The uprooting of the tares in the vineyard and the planting of good seed in their place had certainly, in a contradictory sense, a metaphorical fulfilment in the ejection of rightful owners from their property, and the substitution of aliens in their room.

Anglo-Saxon ecclesiastics deprived.

This great council was held on the octave of Easter, and at the very commencement of the record of it we find a new expression in the annals of our national assemblies. It is said to have been held "with[4] the consent of our lord, Alexander the Pope." Now this is an unusual phrase before this time—one of ill omen, and unpleasant to English ears; but one which in spirit, if not in actual words, was in subsequent times often repeated. Those who took the chief places in the assembly were William the Conqueror, Hermanfred, bishop of Sion, as Pope's legate, and Peter and John, presbyter cardinals, also in the same character. The two latter, in giving their countenance and support to the cruel measures here enacted, were certainly engaged in less pious work than their namesakes of old, who exercised their gifts of healing at the Beautiful gate of the temple, and instead of appropriating the silver and gold[p] of other men, gave of such as they had themselves to the afflicted. In this Council of Winchester many charges were preferred against the Anglo-Saxon ecclesiastics, who were not allowed fair opportunities of rebutting them,

p Acts iii. 6.

"Ille[q] silentum
Conciliumque vocat, vitasque et crimina discit."

q Virg. Æn. vi. 431-2.

Stigand[r] was deprived of his archbishopric of Canterbury. His brother Agelmar, bishop of Helmham[s], *i.e.* of the East Angles, was degraded, and both bishops and abbots were ejected from their posts.

r Conc. Mag. Brit. i. 322.

s Kennett's Eccl. Syn. 251.

As is usually the case when injustice is committed and reasons are vouchsafed, the reasons given were by no means

[4] "Domino Alexandro Papa consentiente."—Conc. Mag. Brit. vol. i. p. 322, quotes Hoveden, Annal.

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those which really incited to the perpetration of these acts. The archbishop's real offences were, that he had resisted the conqueror of his country to the last[t]—had gained some more advantageous terms than K. William had been inclined to grant after the battle of Hastings—and, finally, had refused to place the crown on the usurper's brow. The ostensible crimes alleged against Stigand were, "that[u] he had assumed the archbishopric of Canterbury in the lifetime of Archbishop Robert, who had been exiled—that he had celebrated mass in the pallium belonging to that archbishop—and that he had received a pallium himself from Benedict, who had been excommunicated by the Roman Church. Such were his real, and such his ostensible offences; but the civil power of K. William, united with the assumed spiritual authority of the three legates, was too powerful to be resisted by the last of our Anglo-Saxon archbishops. Being deprived in this first council held under Norman auspices, he fled to Scotland in order to escape[v] the fate of imprisonment, which some of his brother prelates encountered, and thus departed from his country, and shortly after from his life.

[t] Coll. Eccl. Hist. i. 554.

[u] Conc. Mag. Brit. i. 322.

[v] Thierry, vol. i. p. 246.

IV. Work of deprivation carried on at the great Council of Windsor.

The second assembly held under William the Conqueror was the great Council of Windsor, with a concurrent legatine synod, convened at Whitsuntide, A.D. 1070. The work of deprivation and ejection was again here renewed. The cardinals Peter and John had returned to report progress to their master at Rome. But the legate Hermanfred still remained to complete the enterprise against the Anglo-Saxon Church, which had thus far been carried on both with energy and success. Agelric, the bishop of the South Saxons, was now degraded[w]; very many abbots were deprived, Normans, and friends of the Conqueror, being advanced to the vacated places. He here gave the archbishopric of York to Thomas, canon of Bayeux; three royal chaplains were promoted to bishopries, and Norman monks were presented with abbacies. Such were the measures taken to reduce the Anglo-Saxon Church to a hopeless dependence upon the royal will, and to obedience to the Pope. Such was the employment of the two first assemblies—"great councils," with concurrent "legatine synods"—held in this country after the Conquest.

[w] Conc. Mag. Brit. vol. i. p. 323.

V. Changes effected in the constitution of English councils by the Conquest.

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It would not be within the scope of our present object to enter at length into the constitution of the civil assemblies held after the Conquest, or to inquire into the changes and modifications which took place in them, as compared with the civil assemblies among the Anglo-Saxons; still it will be well just to glance at this subject in passing. Whatever facts, however, may be found in the present period of our history calculated to throw light upon the constitution of our ecclesiastical synods will be hereafter carefully noted.

As regards the *great councils* of this period, the change which passed upon them, as compared with those of the Anglo-Saxon times, was this: William the Conqueror obliged his Normans, upon condition of feudal tenures, to attend him in his civil councils; and also changed the tenure of lands held previously under Frankalmoign by the bishops, who now became members of the "great councils" not only in their spiritual capacity as bishops, but also as temporal barons. It is a matter to be borne in mind that bishops of the English Church have, in every period of our history, claimed seats in the most august *civil* assemblies of this country. As far as any document, record, or subscription-list goes back, there they are to be found as constituent members. Neither memory nor history runs to the contrary. In the early British times, and throughout the Anglo-Saxon periods, their presence may always be traced. At the Norman Conquest a fresh and double obligation was laid upon them to contribute their counsel and advice. And from that time to the generation in which we live this unvarying custom, that bishops should sit in the highest of the civil councils, has prevailed undisturbed, until, by the present increase of light and knowledge, it has been discovered that the interests of our country would be more surely promoted by making a change in this essential part of her constitution.

Besides the change affecting tenure, K. William I. also divided[x] the court of the bishop and earl, who before had mixed jurisdictions. For in Anglo-Saxon times ecclesiastical and civil causes were tried in the same courts, the bishop sitting with the earl in the folc-gemote, the archdeacon with the hundreder in the hundred court. But those jurisdictions

[x] Att. Rights, p. 35.

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were now separated; and a charter was promulgated, by which it was forbidden to carry causes of a spiritual nature before a tribunal of a partially lay character[5]. Yet this change affected only the executive, and not the legislative assemblies of our country. The great councils, notwithstanding the change in the tenure of land before mentioned, and the division of the ecclesiastical and civil courts, still bore a near resemblance[y] to the Anglo-Saxon wittena-gemotes, and, with but inconsiderable exceptions, continued to do so until the representative element was introduced towards the latter end of the reign of K. Henry III., and was more perfectly developed in that of his son and successor, K. Edward I. We have seen in the Anglo-Saxon times that if laws were to be made for the general good, or for the temporal affairs of the Church, they were enacted by the king, together with the higher clergy, the earls, wites, thanes, and perhaps some others[z]. But "if there was any doctrine[a] to be tried, or any exercise of pure spiritual discipline to be reformed, then the clergy of the great council departed into a separate synod; and there, being the same men in a different capacity, they acted as proper judges within the power of the keys." And such, saving the changes above specified, appear to have been the general arrangements governing the Anglo-Norman assemblies. Such arrangements were in conformity with the principles which had prevailed ever since this nation had become Christian—principles most appropriately and clearly expressed in the words of Archbishop A'Becket to K. Henry II. "The Church," said he, "consists of two orders, of clergy and people. Among the clergy are apostles and apostolical men, bishops, and other rulers of the Church, to whom the care and regulation of the Church herself is committed; whose duty it is so to order ecclesiastical affairs that all may tend to the salvation of souls. Whence it was said to Peter, and in Peter to other rulers of the Church, 'Thou[b] art Peter, and upon this rock I will build my Church; and the gates of hell shall not prevail against it.' Among the people

y Conc. Mag. Brit. vol. i. p. 426. Ibid. p. 458.

z Vid. sup. chap. vii. sec. 5.

a Kennett's Eccl. Syn. 249.

b S. Matt. xvi. 18.

[5] "Propterea mando et regia auctoritate præcipio, ut nullus episcopus aut archidiaconus de legibus episcopalibus amplius in hundret placita teneant, nec causam quæ ad regimen animarum pertinet, ad judicium sæcularium hominum adducant."—Conc. Mag. Brit. i. 369.

are kings, dukes, counts, and other authorities, whose duty it is to order secular affairs, that all may tend to the peace and unity of the Church[c]." And, so far as appears, the Norman Conquest made no great change in these respects. Now sometimes (as in the Anglo-Saxon periods, and as indeed was usually then the case) ecclesiastical synods and great councils were held concurrently: sometimes, on the other hand, synods were held at times and places entirely distinct from the great councils, and were convened independently of them by pure ecclesiastical authority; and sometimes great councils were held without any concurrent synod, if no Church business of a purely spiritual character required attention.

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[c] Conc. Mag. Brit. i. 440, quotes Rog. Hoveden in an. 1166.

As in the Anglo-Saxon periods, so in the Conqueror's time the spiritual prelates and temporal barons "jointly[d] advised him upon all the exigencies of preserving the peace and advancing the interest of the Church and State." But when purely spiritual questions arose, then the ecclesiastics departed into a "distinct synod[e]," and there proceeded to act as the "Church representative[f]." Thus the ecclesiastical synods and great councils in the Conqueror's time often met concurrently; and that this was the practice not only at the beginning of his reign, but that it continued throughout it, may be learnt from the two first councils and from the last which he held.

[d] Kennett's Eccl. Syn. p. 249. & Conc. Mag. Brit. i. 458

[e] Kennett's Eccl. Syn. p. 250.

[f] Ibid.

VI. Synods and great councils sometimes held concurrently.

In the following instances we may trace the practice of holding synods and great councils concurrently. The Conqueror's first great council was celebrated with a "concurrent[g] synod" at Winchester, at the festival of Easter, A.D. 1070. His second great council was held with a concurrent[h] synod at Windsor, on the festival of Whitsuntide, in the same year; and these synods were then celebrated because Church affairs on these occasions came under discussion. Again in the year 1072, when the Archbishops of Canterbury and York disputed the limits of primacy and of canonical subjection, and when an inquiry was to be instituted respecting ordinations, then those ecclesiastical questions were referred to two proper synods, one convened at Easter[i] in the royal chapel of Winchester, the other at Whitsuntide in the town[j] of Windsor, and held concurrently, as in the former instances, with great

[g] Kennett's Eccl. Syn. p. 250.

[h] Kennett's Eccl. Syn. p. 252.

[i] Conc. Mag. Brit. i. 325.

[j] Ibid.

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councils. And that these were pure synods, though held concurrently with great councils, may be gathered from the fact that the synodical decrees, though attested by the king and queen as witnesses [k], were in addition to those signatures subscribed only by "legate [l] archbishops, bishops, and abbots, and not by one of the lay barons, though all then attending upon the concurrent great council." In the year 1085, two years before William the Conqueror's death, we have another instance of a synod and great council being held concurrently. The king held his great council at Christmas, in the city of Gloucester, and a synod was there held by Archbishop Lanfranc. The language used by the Anglo-Saxon [m] chronicle in recounting these events distinctly shews that on such occasions the ecclesiastics separated from the lay assembly for consultation upon the law divine. "The king," as it informs us, "held his court there for four days, and afterwards the archbishop and the clergy held their synod for three days [6]."

[k] Conc. Mag. Brit. i. 325.

[l] Kennett's Ecc. Syn. quotes Will. Malmesb. l. iii. p. 117.

[m] Conc. Mag. Brit. vol. i. p. 368.

Such were instances during this reign of synods and great councils being held concurrently.

VII. Synods sometimes held distinctly from great councils.

We also readily find several instances of pure synods having been held distinct from great councils, and entirely independent of them. In the year 1075 a national synod was convened in S. Paul's [o], London, by Archbishop Lanfranc, independently of a great council, the synod being held not only in a place distinct from the king's court, but even during his "absence beyond the seas [p]." In the next year, 1076, another synod was convened independently of the great council, and held at Winchester [q] under the presidency of the same archbishop. Two years afterwards, in the year 1078, he convened, of his own motion, another pure synod in London [r] on the subject of the increase of the episcopate in England, and the establishment of sees at Bath, Lincoln, Salisbury, Exeter, Chester, and Chichester.

[o] Conc. Mag. Brit. vol. i. p. 364.

[p] Kennett's Ecc. Syn. p. 254.

[q] Conc. Mag. Brit. vol. i. p. 365.

[r] Conc. Mag. Brit. vol. i. p. 367.

VIII. Great councils sometimes held dis-

Two instances of great councils held at times when no synods were contemporaneously con-

[6] "Fuit rex in Gleawecester cum suis proceribus, et tenuit ibi curiam suam quinque dies, postea autem archiepiscopus et clerici habuerunt synodum trium dierum." – Conc. Mag. Brit. i. 368.

tinctly from synods.

vened, may be found during the Conqueror's reign in the assemblies which met at Petherton[s], in Somersetshire, A.D. 1071, and at Westminster, A.D. 1077. The matters which there came under discussion were temporal ones, and as no question of a spiritual nature was involved, they were "properly[t] determined in the great council without occasion for a synod."

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[s] Conc. Mag. Brit. vol. i. p. 324.

[t] Kennett's Eccl. Syn. p. 253.

IX. Anglo-Saxon arrangements generally imitated in these points.

Thus it is plain, as regards those general principles which regulated the convening of our highest legislative assemblies, that the Norman Conquest made no very material changes, and that the arrangements which obtained in the Anglo-Saxon times still for the most part continued to prevail. Those arrangements were as follow. The[u] clergy and laity together consulted on civil matters, while "true[v] ecclesiastical causes were always debated in proper ecclesiastical synods." Those synods at the call of the ecclesiastical authorities, and the great councils at the command of the king, might be held either concurrently or independently of each other, as circumstances happened to require; but it was not unusual to convene both concurrently as in the case of the Anglo-Saxon synods and wittena-gemotes. This course was still adopted, not only because the members of the synods were for the most part also members of the civil assemblies, and it was therefore convenient that one journey should serve two purposes, but also because, when the two meetings were held at the same time and place, the civil powers were ready to give legal authority to such canons as had received synodical sanction, and were thought conducive to the general good. Such were the arrangements connected with our highest legislative assemblies subsequent to the Conquest; and though it now became more common to hold ecclesiastical synods independently of the civil councils, yet the Anglo-Saxon example as regards the points above specified was generally followed.

[u] Conc. Mag. Brit. vol. i. p. 426. & ibid. p. 458.

[v] Kennett's Eccl. Syn. p. 254.

X. Increase of papal power in England.

From the date of the expulsion of the Anglo-Saxon prelates, and the introduction of Normans and other foreigners into their places by William the Conqueror, down to the time of K. John, the papal power, by various devices and by the exercise of a most

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subtle policy, obtained a gradual extension over the English Church. During part of that period the country was completely overrun with foreigners. The highest offices in the land were conferred upon them, and England was subjected to all such indignities as are the necessary consequence of a preference shewn to aliens over the natives of the soil.

The language used on one occasion by Matthew Paris describes in a most tragical strain the state to which a country may be reduced by such a course of policy. "He laments[w] that the privileges of the Church were in a manner lost; that Christian charity was ready to expire, and religion fallen under contempt; 'that the daughter of Sion was become as it were an harlot;' that persons of no merit or learning came menacing with the Pope's bull into England, hectored themselves into preferment, trampled upon the privileges of the country, and seized the revenues designed by our pious ancestors for the support of the religious, for the benefit of the poor, and for the entertainment of strangers." "And in case[x]," he says, "the injured persons have recourse to the remedy of an appeal, the Pope strikes the cause dead, and sends out an excommunication against the plaintiff. And thus instead of gaining their preferment by modest and respectful applications, they invade the patrimony of the Church, and, as it were, plunder the kingdom. And whereas formerly the Church preferments were held by natives of birth and character—men who were a credit to their country, and spent their wealth in hospitality and relieving the poor—instead of this we are now pestered with obscure, rapacious people, no better than farmers and servants to the court of Rome, who glean up the wealth of the country for the pride and luxury of their masters; and thus England, which was formerly so illustrious in figure and command, and so exemplary in religion, was clapped under hatches, made a prey to foreigners, and sunk to an ignominious degeneracy." With such disastrous results the sovereigns of England were in a great measure chargeable. K. William I. called in the Pope's aid to eject the Anglo-Saxon prelates; K. Stephen obtained from Rome the confirmation of his claim to the crown; and K. Henry II., to serve a turn, accepted at the hands of Pope Adrian a title to the kingdom of Ireland. That papal power which those

[w] Coll. Eccl. Hist. vol. ii. p. 484.

[x] Collier quotes M. Paris, p. 438.

monarchs thus contributed to introduce into this country for their private purposes became, by arts in which Rome was better versed than they, a most dangerous weapon, and sometimes subversive of their own proper authority[y].

[y] Lathbury, p. 79.

In the reign of K. John the aggressions of Rome reached their culminating point. That monarch consented to the most ignominious terms at the bidding of Pope Innocent III., and humbled himself in the most abject manner before the feet of Pandulf, the Roman legate. The king agreed to hold his dominions of England and Ireland "as feudatory[z] of the Church of Rome by the annual payment of one thousand marks;" and he stipulated that these dominions should be forfeited by himself or his successors, if he or they infringed this agreement without subsequent repentance for such an offence. This humiliating contract he ratified with all those outward signs of submission which the feudal law required of vassals to their lord. He came disarmed into the presence of the legate seated on a throne, put[a] his uplifted hands between those of the Roman representative, and swore fealty to the Pope as he paid the stipulated tribute for the possession of his own dominions. Pandulf, with ill-disguised exultation, trampled under his feet the offered gold—a cumulative insult to this country which none present, save an English ecclesiastic, the Archbishop[b] of Dublin, had the courage and honesty to resent.

[z] Hume, c. xi. p. 111.

[a] Ibid.

[b] Hume, c. xi. p. 112.

But not only did this monarch thus degrade his own office and the country of which he was the unworthy representative; he also purchased some concessions from the Pope of Rome at the expense of the clergy of the English Church;

> "Vendidit[c] hic auro patriam, dominumque potentem
> Imposuit: fixit leges pretio atque refixit."

[c] Virg. Æn. vi. 621-22.

For when some English[d] barons were appointed to assess, in order to compensation, the losses which the clergy of this Church had sustained at the hands of their king, he made an offer of less than was demanded. This "the clergy[e] rejected with disdain," but K. John, by his arrangements with the Pope, succeeded in compelling them to receive the smaller sum; and though "the bishops and considerable abbots got reparation beyond what they had any title to demand, the inferior

[d] Hume, c. xi. p. 112.

[e] Ibid.

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clergy were obliged to sit down contented with their losses [f]." This king, having thus disgraced the country and robbed the clergy, again renewed his fealty to the Pope with fresh signs of submission, and his professions of homage and obedience to the see of Rome were reiterated in a charter of most solemn character, ratified under a seal [g] of gold.

[f] Hume, c. xi. p. 112.

[g] Ibid.

XI. Resistance of the Church of England.

But while the king thus unworthily humbled his country under the feet of the Pontiff, the English Church was roused to resistance against those encroachments, now become intolerable. Such a despotic power had been assumed by the Pope, that the synods, canons, and customs of this Church were treated with disdain. As it was sought [h] to confine the whole administration of ecclesiastical affairs to the court of Rome, and as preferments were thence dispensed, the clergy of this country saw that some limit must be placed to pretensions and acts so subversive of all their inherited liberties and rights. Archbishop Langton became jealous of the invasions upon the liberties of his see. He took the part of the Church of which he was the rightful overseer, for the "English [i] Church was universally disgusted." The tide, having risen to its height, now turned, and there appeared a common determination to put some check upon that power which never has been satisfied with any bounds but those of universal dominion. This resistance on the part of the English clergy manifested itself in public demonstrations in the reign of K. John's son and successor, K. Henry III. He, like his father, did much on several occasions to forward the designs of the Papacy. Ten legatine synods were held during his reign; and he made himself notorious for taking part with the legates Otho and Rustand, on some of those occasions, against the stout and honest remonstrances of the English prelates. The insulting bearing of those legates towards this Church and nation induced our ecclesiastics to use towards them and the king, as their aider and abettor, language of a character neither peaceable [j] nor courteous [k]. Nor indeed was it wonderful that their conduct should rouse indignation in the breasts of Englishmen. Not only was the assumption of authority and the affectation of pageant [l] offensive, but the contumely with which the legates treated our prelates and the representatives of

[h] Hume, c. xi. p. 114.

[i] Hume, c. xi. p. 114.

[j] Conc. Mag. Brit. vol. i. p. 710.

[k] Conc. Mag. Brit. vol. i. p. 647.

[l] Conc. Mag. Brit. vol. i. p. 647.

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our time-honoured institutions was perfectly intolerable. As an example of the latter may be quoted that indignity which was shewn to the English bishops and the University of Oxford by the legate Otho. Our prelates were compelled to walk, in company with all the scholars of the University of Oxford, on foot from S. Paul's as far as to the house of the Bishop of Carlisle, and thence, "having[7] divested themselves of their caps and gowns, and expressing other marks of humility, to proceed barefoot" to the legate's residence, distant a mile from the cathedral. To such an inconceivable pitch was the haughtiness and tyranny of this foreign emissary carried; to such indignities were subjected not only English bishops and clergy, many of whom indeed were[8] committed by his orders to prison, but also the most ancient university of this land.

Such conduct not only roused the clergy of England to oppose the encroachments of the court of Rome by their public acts, as when in their Synod[m] of London, A.D. 1246, they appealed from the self-styled head of the Church to her true[9] head and to a general council; but it induced her prelates also on the most public occasions to resent these indignities in unmistakable language. On these occasions they did not spare their king, to whose conduct, in uniting himself with the Pope against the clergy of this kingdom, may very justly be ascribed much of the blame for the treatment which they experienced, and, their remonstrances were undisguised,

[m] Conc. Mag. Brit. vol. i. p. 686.

> "Nec[n] pavidum jam murmur erat, nec pectore tecto
> Ira latens."

[n] Lucan. Phars. lib. v. 55-6.

Thus, when at[1] the instigation of K. Henry III. Otho came over here as legate, A.D. 1237, and convened synods, our countrymen did not hesitate to use this language respecting their

[7] "Illinc sine cappis et mantellis discincti et discalceati usque ad hospitium legati procederent."—Conc. Mag. Brit. vol. i. p. 663, citing Matt. Par. in an. 1238, p. 397.

[8] "Insuper jam de clero pars magna ad nutum suum carceri mancipatur."—Conc. Mag. Brit. i. 663, citing Matt. Par. in an. 1238, p. 397.

[9] "Ut hanc contradictionem communem domino Papæ insinuare velitis, pro statu Ecclesiæ Anglicanæ, presentiam Domini nostri Jesu Christi appellantes, et concilii universalis aliquo tempore per Dei gratiam convocandi."—Conc. Mag. Brit. i. 688, citing Matt. Par. in an. 1246, pp. 625 et seq.

[1] "Per *mandatum* regis venit legatus in Angliam."—Conc. Mag. Brit. i. 647, citing Matt. Par. in an. 1237.

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sovereign: "He has secretly introduced[o] a legate to pervert the whole realm . . . and thus day after day, according to the words of the Gospel, our kingdom divided against itself[p] is brought to desolation." Edmund, then archbishop of Canterbury, also joined in like remonstrances. "He also greatly[q] blamed the king for having invited a legate, to the prejudice of the dignity of the see of Canterbury, and at the risk of compromising the interests of the kingdom." This Edmund, it may be remarked, suffered for this heroic maintenance of the liberty of the English Church, and of the independency of his see; for the treatment he experienced at court, and the ill usage he met with from the legate, made him retire to the abbey of Soysy in France, where he died, his life having been shortened[r], as it was thought, by the sorrow he experienced on account of the encroachments of Rome.

[o] Conc. Mag. Brit. i. 647.
[p] S. Matt. xii. 25. S. Luke xi. 17.
[q] Conc. Mag. Brit. vol. i. p. 647.
[r] Collier, vol. ii. p. 496.

This union of the king of England with the Pope's legate to degrade the national Church and despoil her clergy of their just rights, though a subject far more fit to beget sorrow and shame than laughter and amusement, did not fail, it seems, to excite the merriment of the king and his Roman ally, upon which some wag of that day, taking up the same strain, said, that "since a league had been entered into between the shepherd and the wolf, he was led to the conclusion that cruel slaughter awaited the sheep[2]." A somewhat like idea seems to have been entertained by Sewal, archbishop of York; for when in writing a few years afterwards[3] a sharp remonstrance upon similar subjects to Pope Alexander IV., he took "the freedom[s], amongst other things, to tell him that when our Saviour commissioned S. Peter to feed his sheep, He did not give him any authority either to flay or eat them."

[s] Collier, Eccl. Hist. vol. ii. 548.

But not only did the conduct of Otho excite the indignant opposition of the English prelates and clergy; Rustand, his successor in the office of legate, received perhaps less courteous treatment. When he appeared as legate in the legatine Synod of London[t], A.D. 1255, not only endeavouring to exercise unwar-

[t] Conc. Mag. Brit. vol. i. p. 709.

[2] "Quidam satyricus satis satyricè regem et legatum, dum ad invicem jocosè confabularentur, et in omnibus agendis sese coadjutores fore contra omnes promitterent, reprehendit dicens, 'Eia, Eia, nunc benè novi quod, ex quo pastor et lupus fœdus inierint concordiæ, ovibus imminet strages truculenta.'"—M. Paris, ad an. 1240, p. 486, ed. 1684.

[3] About the year 1258.

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rantable jurisdiction over our Church, but seeking also to exact contributions for the papal service, there were found among our ecclesiastical chiefs some with courage enough to exhibit manifest signs of resistance. Fulco, then bishop of London, after several days' debate in council, thus delivered his mind. With a deep sigh he said, "I will certainly [u] bear to have my head cut off before I will consent to such slavery on the part of our Church, and to such injustice effected by intolerable oppression." Nor was Walter, bishop of Worcester, less plain or less courageous in his language than his brother of London. "I would sooner be condemned [v] to be hanged," he said, "than that the liberty of our holy Church should be subject to such an overthrow." Perhaps the language barely rises in dignity to the position of the speakers or the solemnity of the occasion, but it has the rare merit at least of being unmistakable. Nor were these empty boasts; for though the king [4] and the Pope with his legate seemed banded together in opposition to the liberties of the English Church, our prelates did not hesitate to resist still further. Rustand complained most grievously of this conduct, declaring to the king that the Bishop of London excited all the other prelates to oppose the royal and the papal will [w], for Fulco remained incompliant,

[u] Conc. Mag. Brit. vol. i. p. 709.

[v] Ibid.

[w] Conc. Mag. Brit. vol. i. p. 710.

"Ille [x] iter antiquas Solymorum instaurat ad arces,
Sit licet invisus magnæ primoribus urbis."

[x] Vid. Christ. lib. i. 204-5.

The king's wrath was so far excited by this information, that he made bold to say that neither the bishop nor any of those who acted with him loved their king, and that "he would take good care that the Pope should both rebuke and punish such conduct [y]." Still, nothing daunted, the bishop firmly replied, "The Pope and king [z], stronger than I, may deprive me of my bishopric, though indeed they cannot do that with justice; yet let them take my mitre, I shall change [5] it for a helmet." The reply is somewhat warlike, but the provocation was extreme. The alliance between an English sovereign and foreign legate for the overthrow of the liberties of this national Church was surely calculated to excite honest indignation; and we are induced not only to forgive, but to honour language

[y] Conc. Mag. Brit. i. 710.

[z] Conc. Mag. Brit. vol. i. p. 710.

[4] "Patuit enim luce clarius, quod Papa et rex in gravamen Ecclesiæ et cleri confœderabantur."—Conc. Mag. Brit. i. 711.

[5] "Tollant mitram galea remanebit."—Conc. Mag. Brit. i. 710.

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which under ordinary circumstances would be far from respectful or courteous.

> "Sic[a] eat, o superi! quando pietasque fidesque
> Destituunt: moresque malos sperare relictum est."

[a] Luc. Phars. v. 296-297.

Nor was this by any means a singular instance of such an unholy alliance. The sharp rebukes excited by such proceedings seem at that day to have been common. One which the king received from the abbot of Buildwas Abbey, in Shropshire, was less rough, though perhaps equally severe, and certainly more consistent with the character of a Christian clergyman than the language of the indignant bishops. In the same year (1255) in which they remonstrated so loudly, and in which the Bishop of London foresaw the possibility, not of beating swords into pruning-hooks, but of changing his mitre for a helmet, the king united himself in the bonds of strictest alliance with the legate Rustand to despoil the Cistercian order of their property. Upon their unwillingness to consent to such an aggression on their possessions, which I suppose stood upon the foot of the law and upon the common conditions of the rights and property of the subject, Rustand betook himself to the king, as a "hurt[6] and whining child to his mother's lap," and complained most bitterly of the Cistercian abbot. The king's wrath being excited by the miscarriage of his friend and ally, and some suggestion having arisen that he ought to seek the intercessions rather than the property of the religious, "he swore[b] he would have their prayers and their money too." "That," said the abbot of Buildwas, "cannot be; you must be content to dispense with the one or the other. If you violently extort from us our scanty substance, how can we pray for you with devout and sincere hearts? and prayer without devotion will avail to profit little or nothing[7]."

[b] Conc. Mag. Brit. vol. i. p. 712.

Notwithstanding, however, the abbot's very righteous reply,

[6] "Magister igitur Rustandus, sicut solet infans læsus et querulus ad sinum matris, ad regem festinavit."—Conc. Mag. Brit. i. 712, quotes Matt. Par. in an. 1255.

[7] "Non credo hoc posse contingere—alterutro oportet te carere. Si enim substantialas nostras a nobis violenter extorqueas, quomodo devotè et sinceris cordibus pro te orabimus. Oratio nempe sine devotione parum vel nihil prodesse prævalebit."—Conc. Mag. Brit. i. 712, quotes M. Par. in an. 1255.

the king still lent his secret aid[c] in undermining the interest of the whole order. In such sort did K. Henry III. contribute his assistance to Roman legates while trampling on the rights of the English clergy; and it must ever be a most humiliating and distressing occupation for Englishmen to contemplate the sovereign of their country uniting with any external force, whatsoever form, character, or condition it may assume, to oppress the most sacred and time-honoured institution of this land—the national Church. It was such a union which caused the frequency of legatine synods in this country, appearing as dishonourable blots among the fairer pages of our ecclesiastical records.

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[c] Ibid.

XII. Constitution of national and provincial synods in this age.

It is necessary now to make a careful inquiry into the constitution of our ecclesiastical synods between the accession of Archbishop Lanfranc and the resignation of Archbishop Robt. Kilwarby, the period embraced in this part of our investigation, and during which it will be seen that our provincial synods or convocations took that form under which they exist to this day.

As regards the "great councils," it has been remarked that as in the case of the mixed councils and wittena-gemotes of the earlier ages of our history, they were frequently held concurrently with synods. But synods were now more often convened at times and places distinct. When, however, the two were held concurrently, the ecclesiastics, as of old time, so also now, went apart from the laity; and though being the same persons, yet as members of the great council or of the synod, they sat and acted in different capacities. In the former they united in giving their counsel for the promotion of the common weal; in the latter they acted as the governors and representatives of the Church within the proper limits of the "power of the keys." Of this separation of the two orders of ecclesiastics and laity, when a synod and great council were held concurrently, we have a clear example in the great Council of Westminster, held A.D. 1102. On that occasion "at the feast[d] of Michaelmas K. Henry I. was in London at Westminster, and with him all the heads of the kingdom, both ecclesiastics and laymen; and there also Anselm, the archbishop, held a great synod concerning such matters

[d] Conc. Mag. Brit. i. 383, quotes Florence, Worc. ad an. 1102.

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as pertained to the Christian religion[g]." But to come more directly to our present object—the constitution of our national and provincial synods of this period—it is plain that the constituent members of those assemblies were generally —1. Archbishops. 2. Bishops. 3. Deans. 4. Abbots. 5. Priors. 6. Archdeacons. 7. Chosen Presbyters.

XIII. Archbishops and bishops constituent members.

As regards the fact that archbishops and bishops were constituent members there is of course no doubt; it is therefore unnecessary to cite proofs on this head.

But as endeavours have often been made to shew that none other than they were members of national and provincial synods of old, it has been necessary to prove in former parts of our inquiry[e] that such statements are unfounded. And so now it seems desirable to shew also by examples, that in this period of our history the second order in the priesthood were admitted as constituent members of such assemblies; for thus we shall have the sanction of a continuous stream of authority, beginning from the time of the primitive Church and extending through every age of our national history, for the present constitution of the English convocations as pure provincial synods. It is not for a moment meant to insinuate that the examples about to be adduced exhaust by any means the instances which might be brought forward to prove the points before us. Some only of those which might be quoted are given; but as, for the most part, they extend over the whole space embraced within the limits of this period, they may justly be considered as fair evidence of the constant usage of that time.

[e] Chapters iii. iv. v. vi. vii.

XIV. Deans constituent members.

That deans of cathedrals were members of the greater ecclesiastical synods during this period of our history, appears plain from the records which remain.

In the mandate of Archbishop Boniface, calling upon Roger, bishop of Lichfield and Coventry, to summon the members to the national[f] Synod of Merton, A.D. 1258, the bishop is commanded to call the *deans* of the two cathe-

[f] Conc. Mag. Brit. i. 736.

[g] "Ubi etiam Anselmus archiepiscopus tenuit magnum concilium de his quæ ad Christianitatem pertinent."—Conc. Mag. Brit. i. 383, quotes Flor. Worc. Chron. ad an. 1102.

drals "and[9] of other churches." Now whether in this latter term the rural deans were included or not, the summons of the *deans* of the two cathedrals of Lichfield and Coventry is clear and explicit. In the archiepiscopal mandate of Stephen Langton directed to the Bishop of London, and desiring him (according to our present practice) to summon a provincial[g] synod to meet in S. Paul's Cathedral, London, on the day following the feast of the Epiphany, A.D. 1226 N.S., the *deans*[1] of the cathedral churches are specially mentioned. In the mandate of Archbishop Boniface, directed to the diocese of Lichfield and Coventry, and summoning the members to the provincial Synod of Canterbury, held in London[h], A.D. 1257, we find a special[i] order that the *Dean* of Lichfield should be cited to attend. In the account of the provincial[j] Synods of Canterbury and York, held concurrently at Lambeth and Beverley, A.D. 1261, among the members are mentioned "the ordinaries of churches[k]," an expression which must certainly include *deans:* and as they have been mentioned as constituent members of several previous synods, it would seem reasonable to suppose that they were here intended.

XV. Abbots constituent members.

The evidence that abbots were constituent members both of our national and provincial synods of this period is abundant.

At the national Synod of London, A.D. 1075, twenty *abbots* subscribed[l]. In the national Synod of Lambeth, A.D. 1100, the presence of the *abbots*[m] is mentioned in connexion with that of the bishops. In the national Synod of Westminster, A.D. 1127, the *abbots*[n] are mentioned, in conjunction with the bishops, as being constituent members. To the national Synod of London, A.D. 1129, the *abbots*[o] were summoned with the bishops. At the legatine Synod of Winchester, A.D. 1143, the *abbots*[p] are represented as sitting with the archbishops and bishops. There were collected at the national Synod of Pipewell, A.D. 1189, "the *abbots*[q] from almost the whole of England." The *abbots*[r] are mentioned as sitting in the national Synod of S. Alban's, A.D. 1206; and to them by name,

[9] "Vocetis etiam decanos cathedralium et aliarum ecclesiarum."—Conc. Mag. Brit. citing Annal. Burton, p. 388 seq.

[1] "Et vocent decanos cathedralium ecclesiarum," &c.—Conc. Mag. Brit. citing Reg. Poore. Sarum, fol. 109—138.

g Conc. Mag. Brit. i. 602.

h Conc. Mag. Brit. i. 723.

i Conc. Mag. Brit. quotes Burton, Annals, p. 381.

j Conc. Mag. Brit. i. 755 & note, & 746.

k Conc. Mag. Brit. quotes Matt. West. in an.

l Conc. Mag. Brit. i. 364.

m Conc. Mag. Brit. i. 375.

n Conc. Mag. Brit. i. 410.

o Conc. Mag. Brit. i. 411.

p Conc. Mag. Brit. i. 422.

q Conc. Mag. Brit. i. 492.

r Conc. Mag. Brit. i. 514.

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among others, was a prohibition directed on that occasion by K. John. By a mandate directed by Archbishop Boniface to Roger, bishop of Lichfield and Coventry, the latter was called to the national[s] Synod of Merton[2], A.D. 1258, and directed to summon to that assembly the *abbots* of his diocese.

[s] Conc. Mag. Brit. i. 736.

From such instances, by no means all that might be adduced, but yet spreading over almost the whole of this period, it is plain that abbots were constantly constituent members of our national synods.

That they were also members at this time of our provincial synods is equally clear.

The *Abbots* of S. Alban's, S. Edmund's, of Romsey, and of Boxley are specially mentioned as having been present with the bishops at the provincial[t] Synod of Westminster, A.D. 1175. At the provincial[u] Synod of Westminster, A.D. 1199, the *abbots* were present with the bishops, having been particularly summoned by Archbishop Hubert to treat of ecclesiastical affairs[3]. The provincial synod which met at S. Paul's Cathedral[v], London, A.D. 1226 N.S., was summoned by the archbishop, as has been observed above, through the instrumentality of the Bishop of London, as dean of the province, according to the present practice. In the mandate which was issued on that occasion by Archbishop Langton, the *abbots*[w] are specially summoned. To the provincial Synod[x] of London, A.D. 1257, the *abbots* were summoned, as is plain from the mandate[y] of Archbishop Boniface directed to the diocese of Lichfield and Coventry. *Abbots*[z] are mentioned as constituent members of the provincial Synods[a] of Canterbury and York, held at Lambeth and Beverley respectively, A.D. 1261. In the provincial synod held at the New Temple[b], London, A.D. 1269, the gravamina of the clergy of the province were proposed to the assembly, and among others the *abbots*[c] are specially mentioned as members of it.

[t] Conc. Mag. Brit. i. 476.
[u] Conc. Mag. Brit. i. 504.
[v] Conc. Mag. Brit. i. 602.
[w] Conc. Mag. Brit. i. 603.
[x] Conc. Mag. Brit. i. 723.
[y] Conc. Mag. Brit. quotes Burton, Annal. p. 381.
[z] Conc. Mag. Brit. quotes Matt. West. in an. 1261.
[a] Conc. Mag. Brit. i. 755 & note, 746.
[b] Conc. Mag. Brit. ii. 19.
[c] Conc. Mag. Brit. quotes MS. CCC. Ox. Num. 154.

XVI. Priors constituent members.

Priors also, during this period, are continually mentioned as members of the greater ecclesiastical synods.

[2] For evidence that this synod was national, not provincial, see Conc. Mag. Brit. vol. i. p. 736, and p. 740, note.

[3] "Qui ad vocationem Domini Cantuarensis eo convenerunt, ut de causis ecclesiasticis tractarent."—Conc. Mag. Brit. citing Rad. de Diceto, col. 707.

To the national Synod[d] of London, A.D. 1129[4], all *priors* were summoned. Together with the bishops and abbots at the national Synod[e] of Pipewell, A.D. 1189, there were collected the *priors*[5] of almost all England. In the mandate directed by Archbishop Boniface to Roger, bishop of Lichfield and Coventry, bidding him to summon the members from his diocese to the national Synod of Merton, A.D. 1258, the *priors* of that diocese are specially included.

From such examples, spread over this period, we surely gather that priors were members at this time of our national synods. That they were also called to our provincial synods, ready proof may be adduced.

In the provincial Synod[f] of Westminster, A.D. 1190, we find the *Prior* of Canterbury rising in his language even so far as "to command[6] the legate that nothing should be done in derogation of the rights of the Church of Canterbury." To the provincial Synod[g] of Westminster, A.D. 1199, the *priors* were specially summoned by Archbishop Hubert to treat of ecclesiastical affairs[7]. To the provincial synod held at S. Paul's[h], London, A.D. 1226 N.S., the *priors* were specially summoned by the mandate[i] sent from Archbishop Stephen Langton to the Bishop of London, and by him to be transmitted to the suffragans. *Priors* were specially summoned to the provincial Synod[j] of London, A.D. 1257, and by the mandate of Archbishop Boniface were commanded to bring with them letters of proxy[8] from the bodies whom they represented. Of the provincial Synods[k] of Canterbury and York, held concurrently at Lambeth and Beverley, A.D. 1261, *priors*[l] are expressly mentioned as constituent members. To the provincial synod held at the New Temple[m], London, A.D.

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d Conc. Mag. Brit. i. 411.

e Conc. Mag. Brit. i. 492.

f Conc. Mag. Brit. i. 493.

g Conc. Mag. Brit. i. 504.

h Conc. Mag. Brit. i. 602.

i Ibid. 603.

j Conc. Mag. Brit. i. 723.

k Conc. Mag. Brit. i. 755 & note, & 746.

l Conc. Mag. Brit. quotes Matt. West. in an. 1261.

m Conc. Mag. Brit. ii. 19.

4 "Cunctos item priores."—Conc. Mag. Brit. quotes Chron. Sax. in an. Xti. 1129.

5 "Et prioribus fere totius Angliæ."—Conc. Mag. Brit. quotes Rog. Hoveden in an. 1189.

6 "Episcopus Roffensis et *Prior* Cantuar. legatum rogaverint imo jusserint, ne quid in hoc concilio contra jura Cantuarensis Ecclesiæ," &c.—Conc. Mag. Brit. citing Gervasius, sub an. 1191.

7 "Et prioribus diversi ordinis, qui ad vocationem Domini Cantuarensis eo convenerunt, ut de causis ecclesiasticis tractarent."—Conc. Mag. Brit. citing Rad. de Diceto, col. 707.

8 "Et alii priores cum literis procuratoriis nomine congregationum suarum confectis."—Conc. Mag. Brit. citing Annal. Burton, p. 381.

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1269, the gravamina of the clergy of the province of Canterbury were proposed, and among the members addressed the *priors*[n] are specially mentioned.

[n] Conc. Mag. Brit. citing MS. CCC. Ox. Num. 154.

XVII. Archdeacons constituent members.

That archdeacons were commonly members of the national and provincial synods of this period, we are assured both by the records and subscription-lists of those assemblies, as well as by the mandates which summoned them.

At the national Synod of London, A.D. 1075, we find the subscription of the *Archdeacon*[o] of Dover. In the national Synod[p] of Lambeth, A.D. 1100, the *Archdeacons*[q] of Canterbury and Salisbury took a prominent part. To the national Synod of London, A.D. 1129, the *archdeacons*[q] as a body were summoned. Of the national Synod[r] of S. Alban's, A.D. 1206, the *archdeacons* are mentioned as constituent members; and they[t] are named specially in the prohibition which K. John directed to that assembly. To the national Synod[s] of Merton, A.D. 1258, the clergy were summoned by mandates sent out by Archbishop Boniface to the bishops. By that transmitted to the Bishop of Lichfield and Coventry, he was ordered to call to the synod all the *archdeacons*[2] of his diocese, who were on this occasion[t] bid to bring procuratorial letters from the clergy of their respective archdeaconries, so that they might act in the name of those who committed authority to them in that behalf. And this custom, for archdeacons to be empowered to act in synods for the clergy of their respective archdeaconries, appears to have been common during this period.

[o] Conc. Mag. Brit. i. 364.
[p] Conc. Mag. Brit. i. 375.
[q] Conc. Mag. Brit. i. 411.
[r] Conc. Mag. Brit. i. 514.
[s] Conc. Mag. Brit. i. 736.
[t] Conc. Mag. Brit. i. 736.

It seems thus clear that archdeacons were members of the national synods of this period; that they were members also of the provincial synods is capable of easy proof.

To the provincial synod held at S. Paul's Cathedral[u], London, A.D. 1226 N.S., the *archdeacons*[v] were summoned specially by the mandate transmitted from Archbishop Stephen Langton to the Bishop of London, according to present

[u] Conc. Mag. Brit. i. 602.
[v] Ibid. 603.

[2] "Insuper et *archidiaconos* vestræ diœceseos universos."—Conc. Mag. Brit. citing Annal. Burton, p. 388 seq.

[q] "Qui publicâ voce testati sunt," &c.—Conc. Mag. Brit. quotes Eadmer, lib. iii. Hist. Nov.

[1] "Rex archiepiscopis, episcopis, abbatibus, *archidiaconis* et omni clero apud S. Albanum," &c.—Conc. Mag. Brit. i. 514.

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usage. The mandate of Archbishop Boniface called the *archdeacons* to the provincial Synod of London, A.D. 1257; and on this occasion they were to bring letters of proxy[3], as was the case in the national Synod of Merton, empowering them to act for the clergy whom they represented. In the account of the provincial synods[w] held concurrently at Lambeth and Beverley, A.D. 1261, we find *archdeacons* expressly mentioned[x] as having been summoned. And finally, to the provincial Synod[y] of London, A.D. 1277, the *archdeacons*[4] were summoned by the writs directed by Archbishop Robert Kilwarby to the suffragan bishops.

[w] Conc. Mag. Brit. i. 755, & note, & 746.
[x] Conc. Mag. Brit. citing Matt. West. in an. 1261.
[y] Conc. Mag. Brit. ii. 30.

XVIII. Chosen presbyters constituent members.

It is certain that in the early ages of the Church presbyters were admitted as members of the greater ecclesiastical synods. Of this proofs have been adduced in the third chapter[5] of this inquiry. It is not so certain how those presbyters were chosen; but from the command given to Chrestus, bishop of Syracuse, that he would bring with him to the provincial[z] Synod of Arles "two of the second thrones," *i.e.* two presbyters, and from other circumstances, it has been supposed that the choice of those persons rested generally with the diocesan bishops, though the custom may have varied according to the usages in different parts of the Church. Now though one may meet during the earlier part of our present period with no decided assertion of the presence of *chosen presbyters* in national and provincial synods, yet certain expressions occur in the records of our ecclesiastical assemblies of that date which may well be supposed to include them; and without doubt towards the latter part of this period the presence of such members is distinctly asserted. In proof of this we may observe, that at the national Synod[6] of London, A.D. 1075, the assembly is said to have been composed of bishops, abbots, "and also *of many persons of the ecclesiastical order*[7]." In the national[a] Synod of Lambeth, A.D.

[z] Bingham, Orig. Eccl. book ii. c. 19, sec. 12.

[a] Conc. Mag. Brit. i. 375.

[3] "Ac dicti *archidiaconi* cum literis . . . factis ex parte clericorum qui subsunt eisdem," &c.—Conc. Mag. Brit. citing Annal. Burton, p. 381.

[4] "Conveniant una cum aliquibus personis majoribus de suis capitulis et *locorum archidiaconis*, et procuratoribus totius cleri diœcesium singularum."—Conc. Mag. Brit. citing Reg. Giffard Wigorn. fol. 71.

[5] See chap. iii. pp. 62 et seq.

[6] Concilium Anglicæ regionis."—Conc. Mag. Brit. i. 364.

[7] "Necnon et multarum religiosi ordinis personarum."—Conc. Mag. Brit. i. 364

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1100, Archbishop Anselm declared that the cause in question, being the marriage between K. Henry I. and Matilda, "should be determined by the judgment of *the ecclesiastical persons of the kingdom*[8]." In the account of the national[b] Synod of Westminster, A. D. 1127, the assembly is said to consist "of *sundry*[9] *ecclesiastical persons of all England*." To the national[c] Synod of London, held at Michaelmas, A. D. 1129, "*all*[1] *to whom the care of religion was committed*" were summoned. At the legatine Synod of Winchester, A. D. 1143, "*many*[d] *persons of the ecclesiastical order*" are represented as sitting with the archbishop, bishops, and abbots. In the case of the national[e] Synod of S. Alban's, A. D. 1206, after the higher members of the assembly are mentioned, it is said that "*other*[2] *of the clergy* also met to treat" of the matter in question. And the prohibition, moreover, sent by K. John, was directed in similar[3] terms: "To the archbishops, bishops, abbots, archdeacons, and *to all the clergy* assembled at S. Alban's, greeting," &c. To the legatine synod held in S. Paul's Cathedral[f], London, A. D. 1268, there were called, besides the greater prelates, "all those . . . *who had any office of dignity in the Church*[4]." Such expressions, connected with the earlier portion of this period, may be supposed to include *chosen presbyters*, though they do not actually assert their presence in the greater ecclesiastical synods.

[b] Conc. Mag. Brit. i. 410.

[c] Conc. Mag. Brit. i. 411.

[d] Conc. Mag. Brit. i. 422.

[e] Conc. Mag. Brit. i. 514.

[f] Conc. Mag. Brit. ii. 1.

But towards the latter end of this period we find positive proof that *chosen presbyters* were most assuredly constituent members of our provincial synods, and that they do not date their right to seats in those assemblies from any financial arrangements of K. Edward I. That right depends on the ancient principles of the Christian Church, and has been

[8] "Causam judicio religiosarum personarum regni determinandam pronunciat."—Conc. Mag. Brit. citing Eadmer, lib. iii. Hist. Nov.

[9] "Quarumque religiosarum personarum totius Angliæ."—Conc. Mag. Brit. citing Continuator of Flor. Wigorn.

[1] "Omnes denique quorum curæ religio erat commissa."—Conc. Mag. Brit. citing Chron. Sax. in an. Xti. 1129.

[2] "Et alii ex clericis apud S. Albanum conveniebant," &c.—Conc. Mag. Brit. i. 514.

[3] "Rex archiepiscopis, episcopis, abbatibus, archidiaconis et *omni clero* apud S. Albanum convocato salutem," &c.—Ibid.

[4] "Convocatis universis . . . qui quocunque prælationis titulo præsidere videbantur."—Conc. Mag. Brit. citing Chron. Wikes. in an. 1268.

handed down through all periods of her history. In the provincial Synod of Canterbury, held at the New[g] Temple, London, A.D. 1269, the gravamina of the clergy of that province were proposed, and those gravamina were addressed to the members of the synod, among whom *rectors*[5] *and vicars* are expressly mentioned by name. To the provincial synod held at the New[h] Temple, London, A.D. 1273 (held, be it remembered, not for granting subsidies, but for pure[6] ecclesiastical purposes), each bishop was commanded "to bring with him *certain chosen assessors, to the number of three*[i] *or four*, from his Church and diocese," after the example of that primitive practice to which reference has before been made. And finally, to the provincial[j] Synod of London, A.D. 1277, *the clergy*[7] *proctors for the several dioceses* were distinctly and specially summoned by the writs issued to the suffragans on that occasion, in accordance with the mandate of Archbishop Robert Kilwarby. And that this was a pure provincial synod, convened for ecclesiastical purposes, we are assured by the fact that the *clergy proctors* were to meet there in order to treat with the bishops and other members on matters touching the "rights, customs, liberties, and dangers of the English Church."

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[g] Conc. Mag. Brit. ii. 19.

[h] Conc. Mag. Brit. ii. 26.

[i] Conc. Mag. Brit. ii. 26.

[j] Conc. Mag. Brit. ii. 30.

In speaking here of the diocesan proctors, it should be remembered that the capitular proctors are reckoned under the same head of *chosen presbyters* with them. The capitular proctors sit as of ancient right in our provincial synods, having been summoned, for example, by name to the provincial synod held at S. Paul's[k], London, A.D. 1226 N.S., under the term "*proctors*[8] *of the cathedral churches*." By the mandate

[k] Conc. Mag. Brit. i. 603.

[5] "Coram vobis venerandi patres et episcopi provinciæ Cantuar. abbates, priores, *rectores et vicarii* . . . congregati," &c.—Conc. Mag. Brit. citing MS. CCC. Oxford, Numb. 154.

[6] "Super statu Ecclesiæ et ecclesiasticarum libertatum."—Reg. Giffard Wigorn. fol. 41.

[7] "Suffraganeos nostros auctoritate nostrâ faciatis peremptoriè per vestras literas evocari, quatenus nobiscum in civit. London in crastino B. Hylarii in propriis personis conveniant, una cum aliquibus personis majoribus de suis capitulis, et locorum archidiaconis, et *procuratoribus totius cleri diœcesium singularum*, nobiscum super negotiis memoratis tam prædictis quam instantibus efficacius tractaturi."—Reg. Giffard Wigorn. fol. 71.

[8] "Procuratores ecclesiarum cathedralium."—Conc. Mag. Brit. citing Reg. Poore. Sarum, fol. 109—138 seq.

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to the provincial synod held at the New[l] Temple, London, A.D. 1273, "*three*[9] *or four persons of the greater, more discreet, and prudent of his Church and diocese*," were to be brought by each bishop. And lastly, to the provincial[m] Synod of London, A.D. 1277, "*some*[1] *of the greater persons of the cathedral chapters*" were summoned.

[l] Conc. Mag. Brit. ii. 26.
[m] Conc. Mag. Brit. ii. 30.

Thus clearly do we find during this period of our history that *chosen presbyters* were members of our provincial synods, and clearly also the precedent is laid down, in the mandate[mm] to the synod last mentioned, for that part of the constitution of the English convocations which gives the diocesan clergy, as we shall see hereafter, the right of deputing their chosen representatives to attend in those ancient ecclesiastical assemblies.

[mm] See p. 231, note 7.

All the foregoing detail must of necessity appear intolerably dry: by some it may be thought to have a worse fault—that of being useless. But it can hardly be justly so called, if those pertinacious endeavours are borne in mind which have been made in many quarters to shew that archbishops and bishops only are the proper constituent members of the greater ecclesiastical synods; and that the right of the second order of the priesthood to have seats and voices there, is one of comparatively modern growth in our Church, dating its origin from the pecuniary needs of that somewhat expensive monarch, K. Edward I. A more reckless sally upon the truth of history has seldom been made; and even though the process of countermining may be somewhat tiresome, yet it does seem necessary by positive proofs to defend the essential outworks of our position, and to maintain the integrity of our convocations as built upon the ancient foundations of the provincial synods of England, and of the primitive assemblies of the Christian Church.

XIX. Representative principle introduced into England.

But it becomes at this point a matter of interest to inquire how it is that the chosen presbyters in the English convocations are not now selected by their respective diocesans, according to the

[9] "Et ducat secum ad prædictam congregationem 3 vel 4 personas de majoribus discretioribus et prudentioribus suæ *Ecclesiæ* et diœceseos."—Reg. Giffard Wigorn. fol. 41.

[1] "Conveniant una cum aliquibus personis majoribus de *suis capitulis*."—Reg. Giffard Wigorn. fol. 71.

practice which seems to have prevailed in the primitive Church, but are elected by the voices of their brethren to take a part in the deliberations of those assemblies. To set this matter in a clear light, it is necessary to glance at some facts connected with our national history.

A digression.

The constitution of this country underwent a remarkable change in the reign of K. Henry III. After the Norman Conquest the great councils or parliaments of England consisted, 1. of the king; 2. of the greater clergy sitting by "a double [n] title—by prescription as having always possessed that privilege through the whole Saxon period . . . and by their right of baronage as holding of the king *in capite* by military service"—and 3. of the barons[o], who, as holding under the crown by military tenure, had a right to be consulted, and, as being vassals of the sovereign, were bound to give attendance upon him. There was also another class who were constituent members of those assemblies; these were "the tenants [p] *in capite* by knights' service." "A barony [pp] was commonly composed of several knights' fees," but even "where [q] a man held of the king only one or two knights' fees, he was still an immediate vassal of the crown, and as such had a title" to give his voice in the great councils of the realm. Such were the constituent members of the great councils or parliaments of this country down to the year 1258, the forty-second year of K. Henry III. In that year there assembled at Oxford, on the 11th of June, that great council which, from the subsequent confusions attending its measures, has been denominated in history the "mad [r] parliament;" and whether every parliament which works such radical changes upon our constitutional system will receive a similar appellation, must depend greatly upon the particular views of those who shall chronicle its acts.

From that date, however, we may trace the rise and progress of our present representative system. A feud of long standing had existed between the king and his barons, which, as a fire previously smouldering, at length burst out with unquenchable violence. The barons brought with them on this occasion their vassals [s], and appearing in military array, in reality held the king as a prisoner, who had taken no precautions against such an unexpected proceeding, and was obliged to submit to those terms which they chose to impose. Twelve [t] barons

[n] Hume's App. No. 2.

[o] Ibid.

[p] Ibid.

[pp] Ibid.

[q] Ibid.

[r] Hume, cap. xii.

[s] Hume, cap. xii. p. 126.

[t] Hume, quotes Rymer, i. 655. Knighton, 2445. & Dunst. Chron. vol. i. p. 334.

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were chosen from the king's ministers, twelve more by the great council, and to these twenty-four was committed authority to reform the state, the king having previously bound himself by an oath to maintain such ordinances as they should enact. It was ordered by this commission that four knights should be elected by each county, whose duty it should be to make inquiry into the grievances complained of in their respective localities, and[u] to *attend* at the ensuing parliament in order to give information to that assembly of the results of their investigations. This was "a nearer[v] approach to our present constitution than had been made by the barons in the reign of K. John, when the knights were only appointed to meet in their several counties, and there to draw up a detail of their grievances." The present proceeding was one great step towards the existing state of our representative system, and was the uniting link which connected the feudal and elective principles of our constitution together.

[u] Hume, cap. xii. p. 126.

[v] Ibid.

Six years and a half afterwards, A.D. 1265, Jan. 20, a parliament was summoned to meet in London under the auspices of the Earl of Leicester, and from this assembly the constitution of our present parliaments may be fairly dated. The principle of elected knights, which had, as we have seen, been before acknowledged, now took a definite form, in its main features similar to that by which our representatives in the House of Commons are to this day chosen. On this occasion an order was promulgated that two knights should be returned for each shire, and that deputies should be sent up from the boroughs; and thus an order of men was brought in, who aforetime "had been regarded as too mean to enjoy a place in the national councils[w]." Thus was the representative system introduced into England. And from this date we find that principle contained in the constitution of this country, which, whatever may be its drawbacks, is our best defence against monarchical usurpations, as well as against those petty but far more galling tyrannies which sycophants and time-serving courtiers, too plentiful a crew in every generation, are always ready to inflict upon the weak and defenceless.

[w] Hume, cap. xii. p. 132, quotes Rymer, vol. i. p. 802.

XX. How chosen presbyters came to be elected by the clergy.

It is not wonderful that this principle, so agreeable to the genius of our race, and so instrumental in that great change which now

passed upon the feudal system, should have exercised a great influence over the minds of men. It was a principle which had before been recognized in the ecclesiastical system; and now that it was fairly introduced into the constitution of the state, it is reasonable to suppose that its claims would be more commonly canvassed, its advantages more fully estimated, and its adoption more widely spread; nor is it surprising that while extending its influence more generally, it should not have remained confined to the selection of the lower constituent members of our parliaments. For it was a principle generally applicable to all the great institutions of the country; and among the rest, the Church, which had long before partially sanctioned it in the matter of the archidiaconal letters of proxy, now extended it to the election of the "*chosen presbyters*," called *proctors*, under the auspices of Archbishop Robert Kilwarby.

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It has been shewn in a former part[x] of this inquiry, that presbyters were, in the early ages of the Church, members of the greater ecclesiastical synods,—it has been shewn that they were members of those assemblies during the British and Anglo-Saxon periods[y] of our national history; and in this chapter we have seen that, in this respect, after the Norman Conquest their ancient rights were recognized. The change, therefore, which now took place made no alteration in the constitution of our synods by introducing a new order of clergy into those assemblies, but only in the manner by which the members of that order were chosen. In the primitive Church it is believed that the presbyters who sat in the greater synods were usually selected by the bishops of the several dioceses (though it is said that the rule in this respect probably varied according to the usage of the respective Churches); and this practice, during the earlier part of the present period, obtained in the Church of England. This is plain from the account remaining upon our records of the legatine Synod of Westminster[z], A. D. 1138. On that occasion Thurstan, archbishop of York, was unable to attend on account of illness; but besides William, the dean of York, "he sent[2] thither some of his clergy." There is still, however,

[x] Chaps. iii. & iv.

[y] Chaps. v. vi. vii.

[z] Conc. Mag. Brit. i. 413, 414.

[2] "Infirmabatur Thurstanus Eboracensis Archiepiscopus, Willielmum tamen ecclesiæ S. Petri Eboracensis decanum, *cum quibusdam clericis suis* illuc direxit."

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more direct and unanswerable evidence that at this time certain chosen presbyters were selected by their bishop from the respective dioceses to attend with him in the greater synods, according to primitive usage. This may be learnt from the writ before referred to, and directed in the year 1273 by Archbishop Robert Kilwarby to the Bishop of London, directing him to summon a provincial synod to meet at the New[a] Temple, London, in that year. That synod was convened for purely ecclesiastical purposes; for the archbishop, "directing[b] his mind with all anxiety to the state of the Churches and of ecclesiastical persons, had observed many things requiring correction and reformation." For such correction and reformation this provincial synod was convened. The mandate[3] issued on that occasion, com-

[a] Conc. Mag. Brit. ii. 26.

[b] Ibid.

—Conc. Mag. Brit. citing Rich. Hagustaldensis, de Gest. R. Stephani apud x Scriptor. p. 324 seq.

[3] This mandate is so important to the present argument, that it is here transcribed in full:

"Robertus, &c. miseratione divinâ Cant. Archiep. totius Angliæ Primas venerabili in Christo fratri et Domino H. Dei gratiâ London Episcopo salutem et fraternæ dilectionis in Domino sempiternum augmentum. Postquam cura solicitudinis pastoralis officii nobis fuit divinâ permissione commissa et injuncta, ad statum Ecclesiarum et ecclesiasticarum personarum quoad potuimus nostræ mentis intuitum dirigentes, multa circa ea corrigenda et reformanda comperimus: quæ de fratrum et coepiscoporum nostrorum salubri consilio necesse est sine moræ dispendio per Dei adjutorium digne corrigere et in melius reformare. Hinc est quod venerandæ paternitati vestræ tenore præsentium mandamus, quatenus omnes Ecclesiæ nostræ Cant. suffraganeos auctoritate nostrâ vocetis, quod conveniant apud Novum Templum, London, die Mercurii prox. post initium festi Sancti Dionysii, super statu Ecclesiarum et ecclesiasticarum libertatum, ac aliis quibusdam articulis necessariis nobiscum tractaturi provisuri et ordinaturi, quod ad Dei honorem et Ecclesiæ suæ sanctæ visum fuerit conveniens expedire. Et ut negotium hujusmodi *saniori consilio fulciatur injungatis ex parte nostrâ singulis episcopis Ecclesiæ nostræ suffraganeis, ut quilibet eorum vocet et ducat secum ad prædictam congregationem 3 vel 4 personas de majoribus discretioribus et prudentioribus suæ Ecclesiæ et diœceseos, ut communi mediante consilio tantum Ecclesiæ Dei negotium, ipsius misericordiâ suffragante, felicem sortiatur effectum.* Vos etiam *sub formâ consimili* dictis die et loco compareatis et faciatis nos, per literas vestras patentes præsentium tenorem continentes, de hujus mandati nostri executione diligente certiores. Dat. apud Aldington VII idus Sept. consecrationis nostræ anno primo."

That this writ was duly executed by the Bishop of London, in compliance with the commands of Archbishop Robert Kilwarby, is evident; for in the registry of the diocese of Worcester the summons of the Bishop of London in accordance with it thus appears: "Hujus igitur auctoritate mandati vos vocamus ac vobis injungimus, ut dictis die et loco compareatis *secundum tenorem mandati Domini*

manding the Bishop to London to summon the suffragan bishops, contains these words: "*You are to direct, on our part, each of the suffragan bishops of our Church to call and bring with him to the aforesaid synod three or four of the greater, more discreet, and prudent persons of his Church and diocese, that by the assistance of their common counsel such important affairs of the Church of God, by his aiding mercy, may be brought to a happy conclusion.*"

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Now the reader will be pleased to observe that K. Edward I. could have had nothing to do with these arrangements. He was abroad at this time, not having yet returned from the Holy Land, nor was he crowned[c] as king until the following year, viz. Aug. 19, 1274.

[c] Hume, cap. xiii.

Here, then, we have in the year 1273 a distinct and unanswerable proof that at this time the principle was admitted in the English Church of bishops bringing with them *chosen presbyters* to the greater ecclesiastical synods; and this was in accordance with the practice which obtained in the fourth age at the provincial Synod of Arles, on which occasion the names[d] of fifteen presbyters are found as having subscribed, and whither Chrestus, bishop of Syracuse, was ordered "to bring[4] with him at least two of the second throne," *i.e.* at least two *chosen presbyters*.

[d] Bingham, Orig. Eccl. book ii. c. 19, sec. 12.

At this point, then, we have *chosen presbyters* selected by their bishops to sit in an English provincial synod; and now, as was before remarked, the representative principle was gradually gaining ground in England. In accordance with it, Archbishop Robert Kilwarby appears to have come to the determination (and it may be reasonably supposed that this determination was agreeable to the general feelings of the Church) to make this alteration in his next mandate, viz. that the *chosen presbyters* from each diocese should no longer be selected *at the discretion of the respective bishops*, but should be elected *by the diocesan clergy* according to that

Archiepiscopi supradicti. Dat. apud Cronden, 4 id. Sept. A.D. 1273."—Ex Reg. Giffard Wigorn. fol. 41.

To the original of this writ I have had the opportunity of access, by the courtesy of the gentleman in whose custody it is, in the registry of Worcester Cathedral.

See also Conc. Mag. Brit. ii. 26, and Wake's State, p. 111.

[4] *συζεύξας σεαυτῷ καὶ δύο γέ τινας τῶν ἐκ τοῦ δευτέρου θρόνου.*—Euseb. Eccl. Hist. lib. x. c. 5.

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representative system which to this hour prevails in the English Church. For in the fourth year after the provincial synod held at the New Temple, A.D. 1273, and to which the bishops were to bring from each diocese, according to their own selection, "*chosen presbyters*," another synod of a like character was ordered to meet in London, A.D. 1277. By the mandate issued for this latter provincial synod, the next in succession to that before mentioned, *the clergy proctors* were specially summoned. The representative principle was here clearly established, and the record which asserts it is as plain as words can well be. The objects of this meeting were for ecclesiastical purposes; and it was evidently a pure provincial synod, for the writ recites that "sundry business touching the usefulness and honour of the whole English Church had been proposed . . . . but still remained unfinished, and that certain fresh circumstances had arisen also, which threatened the overthrow of her rights, customs, and liberties, and were full of great danger to her[5]." To remedy such evils this provincial Synod of London was called, and among the members are specially mentioned in the mandate *the proctors of the clergy*, i. e. *the chosen presbyters, selected on the representative principle.* The bishops were ordered "to meet in London, together with some of the GREATER PERSONS OF THEIR CHAPTERS, the archdeacons of the several archdeaconries, and THE PROCTORS OF ALL THE CLERGY OF EACH DIOCESE, in order to treat with the archbishop more effectually on the aforesaid and on other business[6]." From this

[5] "Negotia varia utilitatem pariter et honorem totius Ecclesiæ Anglicanæ tangentia in medio fuisse proposita . . . quædam autem penitus inconsummata existunt, emerserunt autem quædam nova quæ ad aversionem (nostrorum) jurium, consuetudinum, libertatum, et grave periculum Ecclesiæ Anglicanæ redundant."—Reg. Giffard Wigorn. fol. 71.

[6] This mandate of Archbishop Robert Kilwarby is so important, as unanswerably proving that at this time the representative principle was introduced into the English Church in respect of chosen presbyters to attend in provincial synods, that it is here given in full:

"Robertus Cant. Archiepiscopus H. London Episco salutem, &c. Meminimus, in congregatione nostrâ communi dudum habitâ Northampton, negotia varia utilitatem pariter et honorem totius Ecclesiæ Anglicanæ tangentia in medio fuisse proposita, in quorum executione licet viæ de communi consilio excogitatæ fuissent, et executores viarum prædictarum varii deputati, quia tamen in quibusdam negotiis seu executionibus eorundem nobis adhuc exitus est incertus, quædam autem

time, then, we may date the present constitution of the convocations or provincial synods of England, settled on its existing basis by pure ecclesiastical authority. Those provincial synods are in their united capacity the "true Church of England[e] by representation." Long may they so continue as the authorized interpreters of her doctrine, and the bulwarks of her holy faith!

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[e] Can. 139.

XXI. False statements respecting the constitution of the convocations.

Statements have been most boldly promulgated and very widely spread, that the present constitution of our convocations, and the presence in those assemblies of elected proctors, are to be traced not to the acts of the Church herself, but to the policy of K. Edward I., and his exertions to tax the clergy in order to satisfy his pecuniary needs. And these statements have been received with extreme favour in some quarters, though it can hardly be imagined for what reason, save that such a theory tends to derogate from the genuineness of our provincial synods, and to bring down contempt upon the constitution of our national Church. During the year 1852 they were repeated times without number. Most mischievous statements they are, and most injurious to the

penitus inconsummata existunt, emerserunt autem quædam nova quæ ad aversionem (nostrorum) jurium, consuetudinum, libertatum, et grave periculum Ecclesiæ Anglicanæ redundant: fraternitati vestræ per præsentia scripta mandamus, quatenus omnes fratres et coepiscos seu suffraganeos nostros auctoritate nostrâ faciatis peremptorie per vestras literas evocari; quatenus nobiscum in civit. London in crastino B. Hylarii in propriis personis conveniant una *cum aliquibus personis majoribus de suis capitulis* et locorum archidiaconis, *et procuratoribus totius cleri diœcesium singularum*, nobiscum super negotiis memoratis tam prædictis quam instantibus efficacius tractaturi: ut eisdem, eorundem communi mediante consilio, finis imponatur laudabilis, ut ita incerta certitudinem et inconsummata consummationem et emergentia nova consilium debitum sortiantur. Qualiter autem hoc nostrum mandatum fueritis executi, nos per vestras literas patentes harum seriem continentes certificare curetis die et loco prædictis."

Dat. apud Mechlindon, 16 cal. Decembris, A.D. 1277. Ex Reg. Giffard Wigorn. fol. 71.

To the original of this writ I have had access, by the courtesy of the gentleman in whose custody it is, in the registry of Worcester Cathedral.

Compare also "Wake's State," Appendix, p. 11, No. xv., where he transcribes this very writ, thus falsifying his own statement made at p. 107 of his dreary folio, in which he says, "Upon the best observation I can make, the cathedral and diocesan clergy were not called to any of our provincial synods before the 10th of K. Edward I. (1282)." Such a statement suited the archbishop's controversial purpose.

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true interests of the Church. They are the commencement of operations portending still more dangerous attacks,—

"Ergo [ee] omnem impendes operam te opponere parvis
Principiis."

ee Fracast. Poëm. ad Pet. Bemb. 79, 80.

Foremost in the van came that ephemeral literature which is daily wafted on the wings of steam to every part of the United Kingdom, and from which too many in these days derive their religious belief, their political bias, and their historical lore, instead of thence learning this wholesome lesson, that haphazard thoughts thrown off under press of time are scarcely a safe basis upon which to lay the foundations of religion, of government, or of knowledge. Then followed pamphlets, *documents of a still more august character*, and speeches, "thick as leaves in Vallombrosa," their authors hastening to outstrip each other in the race, in order to appropriate to themselves the treasures of this fresh-discovered field of information. The numbers, pages, and authors are too many to specify—

"....agmine [f] magno
Corvorum increpuit densis exercitus alis,
. . . . . .
Nescio [ff] qua præter solitum dulcedine læti
Inter se strepitant foliis."

f Virg. Georg. i. 311-12.

ff Ibid. 412-13.

All, however, positively and absolutely referred the present constitution of the sacred synods of the English Church to the acts of K. Edward I. It is by no means here denied that that monarch took strange liberties with the rights of the clergy; that subsequently to the present constitution of our provincial synods he used the most extraordinary means in the year 1282 to unite the lower clergy with the *parliament* (at first indeed unsuccessfully), and to bring [g] the temporal goods of the Church within the clutches of his tax-gatherers. It is not denied that "he seized [gg] on all the clergy's wool—demanded [h] half their movables, putting them under his own lock and key—prosecuted [i] the clergy in his own court—judged [j] them out of his protection, using these memorable words, uttered [k], alas! by one of their own order, '*that no right* [l] *shall be done on their behalf in the king's courts, whatever injuries they receive, but justice shall be done upon them at the suit of any man.*'" It is not denied that he summoned them to attend upon his secular *parliament* [7] by the "præmunientes [m]" writ, A.D.

g Conc. Mag. Brit. ii. 91.

gg Atterb. Rights, 350.

h Ibid.

i Ibid. 352.

j Ibid.

k Ibid. 358.

l Atterb. quotes Knighton, c. 2491-2.

m Conc. Mag. Brit. ii. 215.

7 The history of the summons of the clergy to *parliament* by K. Edward I. is given in the following chapter.

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1295, with a view to make a more easy appropriation of their worldly possessions. All this is by no means denied; it is admitted to be as true in fact as it is discreditable to his memory; but that these subsequent events altered the constitution of our ecclesiastical synods, as previously settled, is here most emphatically and unequivocally denied. To assert that we derive the benefit of the constitution of the English Church, previously settled on its present foundation, from the subsequent policy and acts of K. Edward I., is to take a like liberty with historical truth, as though one should ascribe Magna Charta to the Long Parliament, date the Bill of Rights from the accession of the Hanoverian dynasty, or refer the present constitution of the House of Commons to the next ensuing session of the imperial legislature. It requires an understanding more than commonly improved to comprehend how the acts of K. Edward I. in 1282 and 1295 could have affected the constitution of the Church's synods in 1273 and 1277.

An error of Lord Coke.

When, as was observed above, the clergy of England were put out of the protection of the law by K. Edward I., and their property was not allowed to stand upon the foot of those rights which are common to the subject, it was not Sir Roger Brabazon[n], as "Lord Coke too hastily thought," who was employed in the vile office of pronouncing that judgment. "No!" says Dr. Atterbury, "it was John de Metingham, a clergyman, who uttered those words, as the Annals[o] of Worcester expressly tell us, a fit instrument to be made use of in the oppression of his brethren." And then our author, perhaps too unkindly, remarks: "For look through[p] all our history, and you shall find that wherever the clergy have smarted under any great hardship, some of their own order have been still at the bottom of it, without whose helping hand the rights and privileges of the Church never were and never would be invaded."

[n] Atterb. Rights, 357.

[o] p. 520.

[p] Ibid.

But the Church has rights far dearer, privileges far more sacred than the lawful enjoyment of worldly possessions; and if the clergy had good reason then to complain that they were unjustly despoiled of these, the Church has far greater reason now to complain that in the endeavours which have been made to date her constitution from a secular origin, and to sap

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her divine foundations, she has been put out of the protection of history, and denied her just inheritance grounded on the foot of those common rights, which are universally claimed upon the authority of authentic records. And to any one, be he clerk or layman, who makes such reckless assaults upon the genuineness of her synods, and who, helping to despoil her of her holy character, takes such unwarrantable liberties with the ancient landmarks of history, I hope it is no offence to say that Archbishop Robt. Kilwarby's mandate [q] to the provincial Synod of London, A.D. 1277, is worthy of investigation and due consideration. It is not unreasonable to make the poet's request in respect of it:

[q] Conc. Mag. Brit. ii. 30.

"Præceptum [r] auriculis hoc instillare memento."

[r] Hor. Epist. i. 8. 16.

XXII. Form of a provincial synod of this period.

When by the archbishop's mandate the abbots [s] and other prelates, with the religious of all orders, the *rectors and vicars* of parishes, were called to a provincial synod, all matters were there examined which respected the wellbeing and discipline of the Church, and the reformation of manners both among the clergy and laity. It was the practice for each bishop to represent to the synod those matters which he was unable to reform within his own diocese; and such complaints were made publicly before the metropolitan and [s] the whole synod, in order that the benefit of common deliberation and judgment might be obtained.

[s] Conc. Cloveshoo, A.D. 747, can. 25.

At the appointed time of meeting the bishops [1] appeared vested in their albs [2], with amyts [3], copes, festal mitres, and gloves; the abbots came in surplices and copes, the privileged abbots wearing their mitres; the deans and archdeacons in surplices, almuces, and copes; and the rest of the clergy in proper and decent attire. Two taper-bearers, clad in albs and amyts, and bearing lighted candles, then preceded the deacon and sub-deacon, the former of whom having first

[s] This is translated from Wilkins, "Epistolaris Dissertatio," Conc. Mag. Brit. vol. i. p. 7.

[1] Vide Conc. Mag. Brit. vol. i. pp. 607-8, ad an. 1225.

[2] Alb, made of fine linen. It was strait, without any surples, and had strait sleeves. It had a headstall, and covered the whole body.

[3] Amyt. The innermost garment encompassed the breast and reins, and was tied with two strings. Johns. Can. vol. i. p. 419.

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sought the benediction from the president[s], or, in his absence, from the senior bishop, proceeded to read the Gospel, "I am the good Shepherd." At the conclusion of the Gospel the book was kissed by the president and each bishop in turn. The president then began the hymn, "Veni Creator," and between the singing of each verse the altar was censed by the bishops. After the hymn was finished, and the benediction had been pronounced by the president, the preacher began his sermon at the horn of the altar. At its conclusion the names of all those who had been cited to the synod were called over, and absentees were punished according to the canons.

It was in these times the established custom, that in such provincial synods diligent care should be applied to the correction of excesses, and the reformation[t] of manners; and that canonical rules should be read over and enforced, especially such as were authorized by general councils. It may also be remarked that there is a footstep to be found during this period of a practice, afterwards common in our provincial synods, viz.—that the greater[u] prelates should separate from the lower members of the assembly for private consultation. It may be thought by some that this practice is now too universally carried out, and that a constant separation is not warranted by the example of primitive Church synods, such separation having now become the rule, the union of all the members the exception. On the other hand, it may be said that due reverence owed by presbyters to their reverend fathers in God would naturally, and very justly, prevent the former from using that freedom of speech and expression before them, which are within their due bounds very wholesome elements in the discussions of a deliberative assembly. But whatever different opinions may be maintained on this important subject, it is to be hoped that the right of presbyters to present in person, if they please, their peculiar "gravamina et reformanda" (in addition to their power of speaking through their prolocutor) will never be curtailed; and it is also satisfactory to know, that whenever the metropolitan and his suffragans deem it expedient, they may join into one body the two assemblies now designated by the somewhat

[t] Conc. Mag. Brit. i. 607.

[u] Vid. Conc. Mag. Brit. i. 420.

[s] "Conservator." Vide can. seq. in loco.

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exceptionable terms of "upper" and "lower house," and thus at their discretion give them the united character of the apostolic synods of the primitive Church.

The admission of faithful laity to witness the proceedings in which they ought to feel so deep and abiding an interest should never be denied, except on extraordinary occasions, when, for the general good of the Church, private deliberation may appear to be desirable. That such a practice was admitted in the period now before us, we may gather from some vestiges which may be traced on the passages of history during this period. For instance, at the national[v] Synod of Westminster, A.D. 1102, there were present, "at Archbishop Anselm's request, some nobles of the kingdom[5]." To witness the proceedings again of the national[w] Synod of Westminster, A.D. 1127, a synod of a most august character and prolonged through three sessions, "vast multitudes[6], not only of the clergy, but of the laity, both rich and poor, congregated together." Such facts are evidences of that union of interest between the clergy and laity which is the best security for the Church. The imitation of such examples might tend to secure the happy event so anxiously desired by Archbishop Anselm, and most assuredly by every well-wisher to his country, that "whatever[x] may be decreed by the authority of the synod should be religiously observed, with unanimous and sedulous care, by both orders in the commonwealth."

[v] Conc. Mag. Brit. i. 382.

[w] Conc. Mag. Brit. i. 410.

[x] Conc. Mag. Brit. i. 382, quotes Will. Malmesb. & Eadmer.

XXIII. General remarks on the constitution of national and provincial synods.

Though a full meeting of all constituent members would have secured the perfection of a national or provincial synod of this period, it is not meant here to assert that all were on every occasion summoned. Indeed such matters of detail rested at this time, to some extent, upon the nature of the business to be transacted; and were arranged in some measure according to the discretion of the archbishop who called the synod together. But from the records existing

[5] "Huic conventui affuerunt, Anselmo Archiepiscopo petente a rege, primates regni."—Conc. Mag. Brit. i. 382, quotes Eadmer, Hist. Nov. lib. iii. p. 67 seq.

[6] "Confluxerunt quoque illuc magnæ multitudines clericorum, laicorum tam divitum quam mediocrium."—Conc. Mag. Brit. quotes Continuator Flor. Wigorn. et MSS. Reg. 10, A. viii.

there is the evidence before adduced to shew that during this period of our inquiry the constituent members of proper provincial synods or convocations were those before specified, viz.—1. Archbishops. 2. Bishops. 3. Deans. 4. Abbots. 5. Priors. 6. Archdeacons. 7. Chosen Presbyters. These are the constituent members now, as they were then, with the exception, of course, of the abbots and priors, whose offices were abolished in our Church, when the nobles of this land, urged on by the example of their king, betook themselves to the practice of appropriating[7] to their private use that which belonged to others, and superadded to flagrant breaches of the eighth commandment the more fearful crime of sacrilege, so offensive in his sight who visits "the sins of the fathers upon the children," even upon generations yet unborn—

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"....qui[y] vitæ post mortem vindicat acta."

[y] Virg. Culex, 275.

It is, then, upon the foundations of the provincial synods of the period now before us that the constitutional fabric of the English convocations at this day is built. Those synods were usually engaged upon matters purely ecclesiastical, and were commonly called at the will of the archbishop, though the king sometimes took advantage of their meeting to sue benevolences at their hands; and sometimes, indeed, directed the archbishop to call them, as in the case of the provincial[z] Synod of London, A.D. 1226, for the purpose of obtaining grants for his needs. We shall find this habit carried to a far greater extent during the next period, insomuch that the synods were frequently convened for fiscal purposes only; but their constitution was the same as that above described. K. Edward I., and his successors, in summoning the clergy to supply pecuniary wants, often desired the archbishops to call together the convocations in their ecclesiastical form, and composed of such members, and such members only, as had before been admitted by ecclesiastical authority. In his policy he did not initiate, but he followed the constitution of the Church as already established. It is both unjust to the

[z] Conc. Mag. Brit. i. 603.

[7] "Prædam adservabant: huc undique... gaza
Incensis erepta adytis, mensæque Deorum,
Crateresque auro solidi, captivaque vestis
Congeritur..."—Virg. Æn. ii. 763—66.

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Church, and a violence to history, to refer to the exercise of his arbitrary will that constitution of our convocations which was the previous result of the wise discretion of her archbishops, and of the acts of her proper synods. Our national records are sufficiently clear on this point: of those who ignore, misapply, or mutilate them it may justly be said—

[a] Chas. Spelm. apud Conc. Mag. Brit. vol. iv. p. 783.

"Qui [a] veteris Ecclesiæ monumenta quæ ipsi non sapiunt, mutat mutilatve, non edit antiqua sed condit nova, synodorum decreta juris publici non facit, sed proprii cerebelli somnia."

CHAPTER IX.

ENGLISH SYNODS.

FROM THE ACCESSION OF ARCHBISHOP JOHN DE PECCHAM TO THE DEATH OF ARCHBISHOP JOHN MORTON, A. D. 1279—1500.

THE CONSTITUTION OF THE ENGLISH CONVOCATIONS.

SUMMARY.

I. Explanation of the tabular list. II. Accession of Archbishop John de Peccham to the see of Canterbury. III. Convocations pure provincial synods. IV. Of the royal writs commanding the metropolitans to summon provincial synods—Set on foot by K. Edward I.—But for a time abandoned—Attempts to execute them renewed by K. Edward II.—The clergy resist—They assign their reasons for so doing—Their reasons for awhile prevail—Milder measures pursued by K. Edward II.—Arrangements for a time satisfactory—Fresh difficulties—Final arrangement of the matter—Royal writs issued and cheerfully obeyed in the time of K. Edward III.—But metropolitans also summoned their provincial synods whenever they pleased—Restraint upon them in this particular dates only from A. D. 1534. V. Of the "præmunientes" clause in the bishops' writs of summons to parliament—A summons to parliament not to convocation—Clergy summoned to the parliaments which met at Northampton and York, A. D. 1283 N. S.—They decline to appear—"Præmunientes" clause first originated A. D. 1295—The first occasion on which the constitution of convocation was copied into a parliamentary summons—Convocation and parliament proctors held different offices, and were frequently different persons—The clause constantly executed and obeyed—Sir E. Coke's opinion on this subject—Due execution of the writ neglected in the present day. VI. Constitution of the English provincial synods or convocations of this period—Canterbury, list of members in that synod—York, list of members in that synod. VII. General remarks on the foregoing lists. VIII. Form of holding provincial synods during this period—Canterbury—York. IX. Of the separations of the provincial synods into upper and lower houses—Canterbury, the separations arose by degrees—The places of meeting originally at S. Paul's—Change to Westminster—The Westminster protest—York, separation into two houses. X. Of what members the upper and lower houses were respectively composed—Canterbury, sometimes the metropolitan, with bishops, abbots, and priors, constituted the upper house, all other clergy the lower—Sometimes the metro-

politan with his suffragan bishops only constituted the upper house, and all other clergy the lower—York, metropolitan and suffragan bishops constituted the upper, and all other clergy the lower house. XI. Provincial synods not always held in separate houses during this period. XII. Of the prolocutor—Canterbury prolocutor, first elected for particular occasions—then elected permanently for the duration of the convocation—Presentation of the prolocutor. —York prolocutor—General remarks on the office of prolocutor. XIII. Of the "gravamina et reformanda" in convocation. XIV. Spiritual character of the employments of convocations—Mode of dealing with heretical books—Mode of dealing with heretical persons—Convocations sometimes, though not frequently, inflicted under their own authority penalties on persons—This duty belongs rather to the civil power.

Διὸ καὶ τῆς πραγματείας ταύτης τοῦτ' ἔσται τελεσιούργημα, τὸ γνῶναι τὴν κατάστασιν παρ' ἑκάστοις ποία τις ἦν, μετὰ τὸ καταγωνισθῆναι τὰ ὅλα, καὶ πεσεῖν εἰς τὴν τῶν Ῥωμαίων ἐξουσίαν, ἕως τῆς μετὰ ταῦτα πάλιν ἐπιγενομένης ταραχῆς καὶ κινήσεως.—Polyb. *Hist.* lib. iii. c. 4, sec. 12.

". . . . . singula lætus
Exquiritque auditque virûm monumenta priorum."
Virg. *Æn.* lib. viii. 311, 312.

A.D. 1279—1500.

I. Explanation of the tabular list.

In the tabular list below[1], the parliaments, the term applied during this period of our inquiry to the great councils of the kingdom, are not

[1] LIST OF ENGLISH SYNODS, A.D. 1279—1500.

Date. A.D.	Place.	Archbishop or President.	King.	Reference.	Nature of Assembly.
1279	Reading	J. de Peccham, abp. of Canterbury	Edward I. ..	Conc. M. B. ii. 33	Provincial Synod of Bishops only.
1280 N.S.	London	J. de Peccham....	Edward I. ..	Ibid. 37—41..	Provincial Synod of Bishops only.
1280 N.S.	Pomfret	W. Wickwane, abp. of York	Edward I. ..	Ibid. 41-2 ..	York Dioc. Syn.
1280	Lambeth	J. de Peccham....	Edward I. ..	Ibid. 42	Provinc. Synod.
1280	London	J. de Peccham....	Edward I. ..	Ibid. 49	Provinc. Synod.
1281	Lambeth	J. de Peccham....	Edward I. ..	Ibid. 49, 50..	Provinc. Synod.
1282 N.S.	London	J. de Peccham....	Edward I. ..	Ibid. 69	Provincial Synod of Bishops only.
1283 N.S.*	Northampton ..	.....	Edward I. ..	Ibid. 91	Parliament.
1283 N.S.*	York	.....	Edward I. ..	Ibid. 92	Parliament.
1283	New Temple, London	J. de Peccham....	Edward I. ..	Ibid. 93. Kennett, Eccl. Syn. 136	Provinc. Synod.
1283	New Temple, London	J. de Peccham....	Edward I. ..	Conc. M. B. ii. 95. Kennett, Eccl. Syn. 137	Provinc. Synod.
1286	New Temple, London	J. de Peccham....	Edward I. ..	Conc. M. B. ii. 125	Provinc. Synod.
1286	York	J. Romani, abp. Yk.	Edward I. ..	Ibid. 126-7 ..	Provinc. Synod.
1287	New Temple, London	J. de Peccham....	Edward I. ..	Ibid. 128	Provinc. Synod.

* First royal writs calling clergy proctors to parliament.

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included, save in three exceptional cases. These exceptions are the parliaments held at Northampton, A.D. 1283 N.S.; at York, 1283 N.S.; and the parliament held at Westminster, A.D. 1295; all under K. Edward I. The two first parliaments are here included, because the circumstances attending them are material to our inquiry; and the last is included, because the writ which called together that assembly is the *first* containing the "præmunientes" clause by which the lower clergy were then summoned to attend upon the king in his *parliament*; and by which (however strange the statement may seem) they continue to be summoned for the same purpose to this day. This last is a precedent of such curious importance that it will require some consideration in prosecuting our subject. For these reasons, those three assemblies, though not ecclesiastical ones, are included in the tabular list. The rest are all synods, in the proper sense of the term, composed of ecclesiastics, and presided over by ecclesiastics; and whether called together by mandates originating with the metropolitans, or issued by them at the command of the monarch; whether engaged upon spiritual

LIST OF ENGLISH SYNODS, A.D. 1279—1500—*continued.*

Date. A.D.	Place.	Archbishop or President.	King.	Reference.	Nature of Assembly.
1287	Exeter	Peter Quivil, bp...	Edward I. ..	Conc. M. B. ii. 129	Diocesan Synod.
1289	Chichester	Gilbert, bishop ..	Edward I. ..	Ibid. 169	Diocesan Synod.
1290	Ely	J. de Peccham....	Edward I. ..	Ibid. 173	Provinc. Synod.
1290*	York	John Romani	Edward I. ..	Ibid. 174	Provinc. Synod.
1291	Isle of Man	Mark, bishop	Edward I. ..	Ibid. 175	Diocesan Synod.
1291	London	J. de Peccham....	Edward I. ..	Ibid. 180	National Synod.
1292	Chichester	Gilbert, bishop ..	Edward I. ..	Ibid. 183	Diocesan Synod.
1294	Westminster ..	Henry, prior of Canterbury	Edward I. ..	Ibid. 201. Rot. Vas. 22 Ed. I. M. 4. D. I. Parl. Writs, i. 25	National Synod.
1295, July 15	New Temple, London	Robt. Winchelsey, abp. of Canterbury	Edward I. ..	Conc. M. B. ii. 215	Provincial Synod of Bishops only.
1295, Nov. 11†	Westminster ..	.....	Edward I. ..	Ibid. 215. Kennett, Eccl. Syn. 274	Parliament.

[1297, Jan. S. Paul's,

* First royal writ of K. Edward I., desiring an archbishop to call the clergy to a provincial synod.

† Although this is intended to be a list of synods, yet this *parliament* is inserted because the clergy proctors were here first called to such an assembly by the clause "præmunientes." And it is so curious a precedent as to be worthy of attention. For "cum cæteris prælatis, proceribus et aliis incolis regni nostri" are words shewing that this was a *parliament*, and not a synod. See Kennett, Eccl. Syn. 274.

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matters, or upon subsidies, or upon both, which was most frequently the case, they all require to be noted in the present

LIST OF ENGLISH SYNODS, A.D. 1279—1500—*continued.*

Date. A.D.	Place.	Archbishop or President.	King.	Reference.	Nature of Assembly.
1297, Jan. 13 N.S.	S. Paul's, London	Robt. Winchelsey..	Edward I. ..	Conc. M. B. ii. 219-20	Provinc. Synod.
1297	S. Paul's, London	Robt. Winchelsey..	Edward I. ..	Ibid. 225	Provinc. Synod.
1297	New Temple, London	Robt. Winchelsey..	Edward I. ..	Ibid. 226	Provinc. Synod.
1297	New Temple, London	Robt. Winchelsey..	Edward I. ..	Ibid. 228-9 ..	Provinc. Synod.
1297	York	Henry de Newark, abp. of York	Edward I. ..	Ibid. 235	Provinc. Synod.
1298	New Temple, London	Robt. Winchelsey..	Edward I. ..	Ibid. 236	Provinc. Synod.
1299	New Temple, London	Robt. Winchelsey..	Edward I. ..	Ibid. 253	Provinc. Synod.
1300	Canterbury	Robt. Winchelsey..	Edward I. ..	Ibid. 257	Provinc. Synod.
1302	New Temple, London	Robt. Winchelsey..	Edward I. ..	Ibid. 272	Provinc. Synod.
1302	S. Paul's, London	Robt. Winchelsey..	Edward I. ..	Ibid. 273	Provinc. Synod.
1305	Merton.....	Robt. Winchelsey..	Edward I. ..	Ibid. 278	Provinc. Synod.
1306	Ripon	William Grenefeld, abp. of York	Edward I. ..	Ibid. 285	Provinc. Synod.
1307	New Temple, London	Robt. Winchelsey..	Edward II. ..	Ibid. 292	Provinc. Synod.
1308	Winchester	Henry Woodloke, bp. of Winton	Edward II. ..	Ibid. 293	Diocesan Synod.
1309*	S. Paul's, London	Robt. Winchelsey..	Edward II. ..	Ibid. 304. 311-12	Provinc. Synod.
1310†	York	William Grenefeld .	Edward II. ..	Ibid. 393	Provinc. Synod.
1310‡	York	William Grenefeld .	Edward II. ..	Ibid. 394	Provinc. Synod.
1310	S. Paul's, London	Robt. Winchelsey..	Edward II. ..	Ibid. 401	Provinc. Synod.
1311	S. Paul's, London	Robt. Winchelsey..	Edward II. ..	Ibid. 406. 419-20	Provinc. Synod.
1311	York	William Grenefeld .	Edward II. ..	Ibid. 409	Provinc. Synod.
1312	Durham	Rd. Kellow, bp. ..	Edward II. ..	Ibid. 416	Diocesan Synod.
1312	London	Robt. Winchelsey..	Edward II. ..	Ibid. 421	Legatine Synod under the two Arnalds.
1313	York	William Grenefeld .	Edward II. ..	Ibid. 436	Provinc. Synod.
1314	Westminster ..	Walter Raynold, abp. of Canterbury	Edward II. ..	Ibid. 442	Provinc. Synod.
1314	S. Paul's, London	Walter Raynold ..	Edward II. ..	Ibid. 444-5 ..	Provinc Synod.
1314	York	William Grenefeld .	Edward II. ..	Wake's State, p. 266	Provinc. Synod.
1316	S. Paul's, London	Walter Raynold ..	Edward II. ..	Conc. M. B. ii. 456-7	Provinc. Synod.
1316	S. Paul's, London	Walter Raynold ..	Edward II. ..	Ibid. 458	Provinc. Synod.
1316	York	See vacant	Edward II. ..	Ibid. 462	Provinc. Synod.
1316	York	See vacant	Edward II. ..	Ibid. 462	Provinc. Synod.
1316	York	See vacant	Edward II. ..	Ibid. 462 ...	Provinc. Synod.
1316	York	See vacant	Edward II. ..	Ibid. 462	Provinc. Synod.
1319 N.S.	London	Walter Raynold ..	Edward II. ..	Ibid. 485	Provinc. Synod. [1319 N.S. York

* The question of the Templars brought forward.

† The question of the Templars brought forward at these two provincial Synods of York.

‡ The order forbidden.

inquiry. One remark more must be added, and that remark must be understood to apply to *all* the tabular lists hence- | A.D. 1279—1500.

LIST OF ENGLISH SYNODS, A.D. 1279—1500—*continued.*

Date. A.D.	Place.	Archbishop or President.	King.	Reference.	Nature of Assembly.
1319 N.S.	York	Will. Melton, abp of York	Edward II. ..	Conc. M. B. ii. 485	Provinc. Synod.
1319 N.S.	York	Will. Melton	Edward II. ..	Ibid. 486	Provinc. Synod.
1321	S. Paul's, London	Walter Raynold ..	Edward II. ..	Ibid. 507	Provinc. Synod.
1322	Oxford	Walter Raynold ..	Edward II. ..	Ibid. 512	Provinc. Synod.
1322	York	Will. Melton	Edward II. ..	Ibid. 519	Provinc. Synod.
1322	S. Paul's, London	Walter Raynold ..	Edward II. ..	Ibid. 515	Provinc. Synod.
1323 N.S.	Lincoln	Walter Raynold ..	Edward II. ..	Ibid. 517	Cant. Pro. Synod.
1323 N.S.	York	Will. Melton	Edward II. ..	Ibid. 519	Provinc. Synod.
1326	S. Paul's, London	Walter Raynold ..	Edward II. ..	Ibid. 532	Provinc. Synod.
1327 N.S.	S. Paul's, London	Walter Raynold ..	Edward II. ..	Ibid. 534	Provinc. Synod.
1327, Oct. 12	York	Will. Melton	Edward III...	Ibid. 546	Provinc. Synod.
1327 Nov. 4	Leicester	Walter Raynold ..	Edward III...	Ibid. 538	Provinc. Synod.
1329 N.S.	S. Paul's, London	Sim. Mepham, abp. of Canterbury	Edward III...	Ibid. 548—52	Provinc. Synod.
1330 N.S.	Winchester	Sim. Mepham	Edward III...	Ibid. 557	Provinc. Synod.
1331	Lambeth	Sim. Mepham	Edward III...	Ibid. 558-9 ..	Provinc. Synod.
1331	York	Will. Melton	Edward III...	Ibid. 559	Provinc. Synod.
1332	S. Paul's, London	Sim. Mepham	Edward III...	Ibid. 561	Provinc. Synod.
1334 N.S.	York	Will. Melton	Edward III...	Ibid. 570	Provinc. Synod.
1334	.....	Will. Melton	Edward III...	Ibid. 570	York Prov. Syn.
1334	S. Paul's, London	John Stratford, abp. of Canterbury	Edward III...	Ibid. 575-6 ..	Provinc. Synod.
1334	York	Will. Melton	Edward III...	Ibid. 578	Provinc. Synod.
1336 N.S.	S. Paul's, London	John Stratford....	Edward III...	Ibid. 581	Provinc. Synod.
1336	York	Will. Melton	Edward III...	Ibid. 584	Provinc. Synod.
1336	Leicester	John Stratford....	Edward III...	Ibid. 582-3 ..	Provinc. Synod.
1336	York	Will. Melton	Edward III...	Ibid. 584	Provinc. Synod.
1337	S. Paul's, London	John Stratford....	Edward III...	Ibid. 623	Provinc. Synod.
1337	York	Will. Melton	Edward III...	Ibid. 624	Provinc. Synod.
1337	York	Will. Melton	Edward III...	Ibid. 624	Provinc. Synod.
1338	S. Paul's, London	John Stratford....	Edward III...	Ibid. 625	Provinc. Synod.
1338	York	Will. Melton	Edward III...	Ibid. 629	Provinc. Synod.
1340 N.S.	S. Paul's, London	John Stratford....	Edward III...	Ibid. 653	Provinc. Synod.
1340 N.S.	York	Will. Melton	Edward III...	Ibid. 653	Provinc. Synod.
1340	York	See vacant	Edward III...	Ibid. 654	Provinc. Synod.
1340	York	See vacant	Edward III...	Ibid. 673	Provinc. Synod.
1341	.....	John Stratford....	Edward III...	Ibid. 675	Cant. Pro. Synod.
1341	S. Paul's, London	John Stratford....	Edward III...	Ibid. 680	Provinc. Synod.
1342	London	John Stratford....	Edward III...	Ibid. 696. 702—710	Provinc. Synod.
1342	Pomfret	Will. Zouch, abp. of York	Edward III...	Ibid. 712	Provinc. Synod.
1344	.....	John Stratford....	Edward III...	Ibid. 727 ...	Cant. Pro. Synod.
1344	.....	Will. Zouch.....	Edward III...	Ibid. 727	York Pro. Synod.
1345	S. Paul's, London	John Stratford....	Edward III...	Ibid. 727-8	Provincial Synod of Bishops only.
1346	.....	John Stratford....	Edward III...	Ibid. 728	Cant. Pro. Synod.
1346	York	Will. Zouch, abp. of York	Edward III...	Ibid. 735	Provinc. Synod.
1347	.....	John Stratford....	Edward III ..	Ibid. 735	Cant. Pro. Synod.
1348	York	Will. Zouch, abp. of York	Edward III...	Ibid. 746	Provinc. Synod.

[1350 Isle of Man

A.D. 1279—1500.

forward inserted. The date is always mentioned on which such assemblies as are the subjects of our inquiry were

LIST OF ENGLISH SYNODS, A.D. 1279—1500—*continued.*

Date. A.D.	Place.	Archbishop or President.	King.	Reference.	Nature of Assembly.
1350	Isle of Man	Will. Russell, bp. of Man	Edward III...	Conc. M. B. iii. 10	Diocesan Synod.
1351	Maidstone	Sim. Islip, abp. of Canterbury	Edward III...	Ibid. 13	Diocesan Synod.
1352	S. Paul's, London	Sim. Islip.....	Edward III...	Ibid. 16	Provinc. Synod.
1352	York	Will. Zouch.....	Edward III...	Ibid. 17-18 ..	Provinc. Synod.
1355	.....	Sim. Islip.....	Edward III...	Ibid. 33	Cant. Pro. Synod.
1355	York	.....	Edward III...	Ibid. 36	Provinc. Synod.
1356	S. Paul's, London	Sim. Islip.....	Edward III...	Ibid. 38	Provinc. Synod.
1356	York	John Thoresby, abp. of York	Edward III...	Ibid. 39	Provinc. Synod.
1357	York	John Thoresby ...	Edward III...	Ibid. 41	Provinc. Synod.
1358	S. Bride's, Lond.	Sim. Islip.....	Edward III...	Ibid. 41	Provinc. Synod.
1360 N.S.	S. Paul's, London	Sim. Islip.....	Edward III...	Ibid. 44	Provinc. Synod.
1360 N.S.	York	John Thoresby ...	Edward III...	Ibid. 46	Provinc. Synod.
1361	S. Mary's, Southwark	Sim Islip.....	Edward III...	Ibid. 47	Provincial Synod of Bishops only.
1363	London	Sim. Islip.....	Edward III...	Ibid. 59	Provinc. Synod.
1364	Ely	Simon Langham, bp. of Ely	Edward III...	Ibid. 59	Diocesan Synod.
1368	Canterbury	Simon Langham, abp. of Canterbury	Edward III...	Ibid. 74	Cant. Dioc. Syn.
1368	Canterbury	Simon Langham ..	Edward III...	Ibid. 81	Cant. Dioc. Syn.
1370 N.S.	S. Paul's, London	Wm. Wittlesey, abp. of Canterbury	Edward III...	Ibid. 82	Provinc. Synod.
1370 N.S.	York	John Thoresby ..	Edward III...	Ibid. 85	Provinc. Synod.
1371	S. Paul's, London	Wm. Wittlesey ..	Edward III...	Ibid. 91	Provinc. Synod.
1371	York	John Thoresby ..	Edward III...	Ibid. 91	Provinc. Synod.
1373	S. Paul's, London	Wm. Wittlesey ..	Edward III...	Ibid. 93	Provinc. Synod.
1373	S. Paul's, London	Wm. Wittlesey ..	Edward III...	Ibid. 94	Provincial Synod of Bishops only.
1373	S. Paul's, London	Wm. Wittlesey ..	Edward III...	Ibid. 96	Provinc. Synod.
1374 N.S.	York	See vacant	Edward III...	Ibid. 96	Provinc. Synod.
1374	S. Paul's, London	Wm. Wittlesey ..	Edward III...	Ibid. 97	Provinc. Synod.
1376	S Paul's, London	Sim. Sudbury, abp. of Canterbury	Edward III...	Ibid. 104	Provinc. Synod.
1377 N.S.	.....	Sim. Sudbury	Edward III...	Ibid. 104	Cant. Pro. Synod.
1377, April 15	York	Alex. Neville, abp. of York	Edward III...	Ibid. 125	Provinc. Synod.
1377, July 28	York	Alex. Neville	Richard II. ..	Ibid. 114	Provinc. Synod.
1377 Nov. 9	S. Paul's, London	Sim. Sudbury	Richard II. ..	Ibid. 122	Provinc. Synod.
1378 N.S. Jan. 4	York	Alex. Neville	Richard II. ..	Ibid. 125	Pro. Synod continued from July 28, 1377.
1378 N.S.	York	Alex. Neville	Richard II. ..	Ibid. 125	Provinc. Synod.
1379	York	Alex. Neville	Richard II. ..	Ibid. 145	Provinc. Synod.
1379	S. Paul's, London	Sim. Sudbury	Richard II. ..	Ibid. 141	Provinc. Synod.
1380 N.S.	S. Paul's, London	Sim. Sudbury	Richard II. ..	Ibid. 142	Provinc. Synod.
1380	York	Alex. Neville	Richard II. ..	Ibid. 150	Provinc. Synod.
1380	All Saints' Ch. Northampton	Sim. Sudbury	Richard II. ..	Ibid. 150	Provinc. Synod.
1381 N.S.	.....	Alex. Neville	Richard II. ..	Ibid. 150	York Pro. Synod.
1382	.....	Alex. Neville	Richard II. ..	Ibid. 154	York Pro. Synod. [1382 Ch. Ch. Oxford

respectively summoned to meet. It is likely, perhaps certain, that in some instances those dates were the occasions of pro- A.D. 1279—1500.

LIST OF ENGLISH SYNODS, A.D. 1279—1500—*continued.*

Date. A.D.	Place.	Archbishop or President.	King.	Reference.	Nature of Assembly.
1382	Ch. Ch. Oxford	Will. Courtney, abp. of Canterbury	Richard II. . .	Conc. M. B. iii. 172	Provinc. Synod.
1382	York	Alex. Neville	Richard II. . .	Ibid. 176	Provinc. Synod.
1383 N.S.	London	Will. Courtney ..	Richard II. . .	Ibid. 172-3 ..	Provinc. Synod.
1383	York	Alex. Neville	Richard II. . .	Ibid. 176	Provinc. Synod.
1383	S. Paul's, London	Will. Courtney ..	Richard II. . .	Ibid. 179	Provinc. Synod.
1384	Salisbury	Will. Courtney ..	Richard II. . .	Ibid. 185	Provinc. Synod.
1384	S. Paul's, London	Will. Courtney ..	Richard II. . .	Ibid. 185	Provinc. Synod.
1385 N.S.	S. Paul's, London	Will. Courtney ..	Richard II. . .	Ibid. 187	Provinc. Synod.
1385	York	Alex. Neville	Richard II. . .	Ibid. 193	Provinc. Synod.
1385	S. Paul's, London	Will. Courtney ..	Richard II. . .	Ibid. 193	Provinc. Synod.
1386 N.S.	York	Alex. Neville	Richard II. . .	Ibid. 195	Provinc. Synod.
1386	S. Paul's, London	Will. Courtney ..	Richard II. . .	Ibid. 200	Provinc. Synod.
1386	.....	.....	.....	Ibid. 202	Royal writs issued for York Provinc. Synod.
1388 N.S.	S. Paul's, London	Will. Courtney ..	Richard II. . .	Ibid. 204	Provinc. Synod.
1388 N.S.	.....	Alex. Neville	Richard II. . .	Ibid. 204	Provinc. Synod.
1388	Cambridge	Will. Courtney ..	Richard II. . .	Ibid. 205	Provinc. Synod.
1388	S. Paul's, London	Will. Courtney ..	Richard II. . .	Ibid. 205	Provinc. Synod.
1389 N.S.	York	T. Arundel, abp. Yk.	Richard II. . .	Ibid. 205	Provinc. Synod.
1391	S. Paul's, London	Will. Courtney ..	Richard II. . .	Ibid. 212	Provinc. Synod.
1391	York	Th. Arundel	Richard II. . .	Ibid. 218	Provinc. Synod.
1393 N.S.	S. Paul's, London	Will. Courtney....	Richard II. . .	Ibid. 219	Provinc. Synod.
1393 N.S.	York	Th. Arundel.....	Richard II. . .	Ibid. 219	Provinc. Synod.
1394 N.S.	York	Th. Arundel.....	Richard II. . .	Ibid. 220	Provinc. Synod.
1395 N.S.	S. Paul's, London	Will. Courtney....	Richard II. . .	Ibid. 223	Provinc. Synod.
1395 N.S.	York	Vicar-General of Th. Arundel	Richard II. . .	Ibid. 224	Pro. Synod, with continuations.
1395	Oxford	Will. Courtney....	Richard II. . .	Ibid. 224	Council of Theologians.
1397 N.S.	S. Paul's, London	T. Arundel, abp. Cy.	Richard II. . .	Ibid. 227	Provinc. Synod.
1397	York	Robt. Waldby, abp. of York	Richard II. . .	Ibid. 234	Provinc. Synod.
1398 N.S.	.....	.....	Richard II. . .	Ibid. 234	Royal writ issued for York Provincial Synod.
1398 N.S.	Oxford	Roger Walden, abp. of Canterbury	Richard II. . .	Ibid. 234—6. .	Canterbury Provincial Synod.
1398	London	Roger Walden....	Richard II. . .	Ibid. 236	Provinc. Synod.
1398	York	Rd. Scroope, abp. of York	Richard II. . .	Ibid. 237	Provinc. Synod.
1399 N.S.	Beverley	Rd. Scroope.....	Richard II. . .	Ibid. 238	Provinc. Synod.
1399	S. Paul's, London	Th. Arundel, restored to Canty.	Henry IV. . .	Ibid. 238	Provinc. Synod.
1401 N.S.	S. Paul's, London	Th. Arundel.....	Henry IV. . .	Ibid. 254	Provinc. Synod.
1401	York	Rd. Scroope.....	Henry IV. . .	Ibid. 267	Provinc. Synod.
1402	Worcester	John, prior of Worcester and Commissioners	Henry IV. . .	Ibid. 270	Diocesan Synod.
1402	S. Paul's, London	Th. Arundel.....	Henry IV. . .	Ibid. 270 & 272	Provinc. Synod.
1402	York	Rd. Scroope.....	Henry IV. . .	Ibid. 273	Provinc. Synod.
1402	York	Rd. Scroope.....	Henry IV. . .	Ibid. 273	Provinc. Synod.

[1403 N.S. York

A.D. 1279—1500.

rogations only, and that no business was then transacted. However, as it is quite impossible to distinguish on all occa-

LIST OF ENGLISH SYNODS, A.D. 1279—1500—*continued.*

Date. A.D.	Place.	Archbishop or President.	King.	Reference.	Nature of Assembly.
1403 N.S.	York	Rd. Scroope.....	Henry IV. ..	Conc. M. B. iii. 273	Provinc. Synod.
1403	S. Paul's, London	Th. Arundel.....	Henry IV. ..	Ibid. 274	Provinc. Synod.
1404	S. Paul's, London	Th. Arundel.....	Henry IV. ..	Ibid. 279	Provinc. Synod.
1404	York	Rd. Scroope.....	Henry IV. ..	Ibid. 281	Provinc. Synod.
1404	York	Rd. Scroope.....	Henry IV. ..	Ibid. 281	Provinc. Synod.
1405	.....	Th. Arundel.....	Henry IV. ..	Ibid. 282	Cant. Pro. Synod.
1406	S Paul's, London	Th. Arundel.....	Henry IV. ..	Ibid. 284	Provinc. Synod.
1406	York	See vacant	Henry IV. ..	Ibid. 303	Provinc. Synod.
1407	Ch. Ch. Oxford .	Th. Arundel.....	Henry IV. ..	Ibid. 306	Provinc. Synod.
1408	York	See vacant	Henry IV. ..	Ibid. 306	Provinc. Synod.
1408	Oxford	Th. Arundel.....	Henry IV. ..	Ibid. 306	Provinc. Synod.
1408	London	Th. Arundel.....	Henry IV. ..	Ibid. 306	Legatine Synod.
1408	S. Paul's, London	Th. Arundel.....	Henry IV. ..	Ibid. 306	Provinc. Synod.
1408	York	Henry Bowet, abp. of York	Henry IV. ..	Ibid. 319	Pro. Synod, four continuations.
1409 N.S.	S. Paul's, London	Th. Arundel.....	Henry IV. ..	Ibid. 311 & 314	Provinc. Synod.
1409	.....	Commissioners of Abp. Bowet	Henry IV. ..	Ibid. 329	Diocesan Synod of York.
1410 N.S.	S. Paul's, London	Th. Arundel.....	Henry IV. ..	Ibid. 324	Provinc. Synod.
1410 N.S.	Beverley	Commissioners of Abp. Bowet	Henry IV. ..	Ibid. 333	Pro. Synod, two continuations.
1411	S. Paul's	Th. Arundel.....	Henry IV. ..	Ibid. 334	Provinc. Synod.
1412 N.S.	York	Henry Bowet	Henry IV. ..	Ibid. 338	Provinc. Synod.
1412	S. Paul's, London	Th. Arundel.....	Henry IV. ..	Ibid. 338	Provinc. Synod.
1413 N.S.	York	Henry Bowet	Henry IV. ..	Ibid. 351	Provinc. Synod.
1413	S. Paul's, London	Th. Arundel.....	Henry V.....	Ibid. 351—3..	Provinc. Synod.
1413	.....	Henry Bowet	Henry V.....	Ibid. 358	York Pro. Synod.
1414	S. Paul's, London	H. Chicheley, ap. Cy.	Henry V.....	Ibid. 358	Provinc. Synod.
1414	York	Henry Bowet	Henry V.....	Ibid. 370	Provinc. Synod.
1415 N.S.	York	Henry Bowet	Henry V.....	Ibid. 371	Provinc. Synod.
1415	S. Paul's, London	Henry Chicheley..	Henry V.....	Ibid. 375	Provinc. Synod.
1415	York	Henry Bowet	Henry V.....	Ibid. 377	Provinc. Synod.
1416	S. Paul's, London	Henry Chicheley..	Henry V.....	Ibid. 377	Provinc. Synod.
1416	S. Paul's, London	Henry Chicheley..	Henry V.....	Ibid. 377	Provinc. Synod.
1417 N.S.	York	Henry Bowet	Henry V.....	Ibid. 380	Provinc. Synod.
1417	York	Henry Bowet	Henry V.....	Ibid. 380	Provinc. Synod.
1417	S Paul's, London	Henry Chicheley..	Henry V.....	Ibid. 381	Provinc. Synod.
1418 N.S.	York	Henry Bowet	Henry V.....	Ibid. 389	Provinc. Synod.
1419	S. Paul's, London	Henry Chicheley..	Henry V.....	Ibid. 393	Provinc. Synod.
1420 N.S.	York	Henry Bowet	Henry V.....	Ibid. 396	Provinc. Synod.
1421	S. Paul's, London	Henry Chicheley..	Henry V.....	Ibid. 399 & 406	Provinc. Synod.
1421	York	Henry Bowet	Henry V.....	Ibid. 403	Pro. Synod, with continuation.
1422	S. Paul's, London	Henry Chicheley..	Henry V.....	Ibid. 404	Provinc. Synod.
1422	York	.....	Henry VI. ..	Ibid. 419	Provinc. Synod.
1424	S. Paul's, London	Henry Chicheley..	Henry VI. ..	Ibid. 428	Provinc. Synod.
1424	York	See vacant	Henry VI. ..	Ibid. 432	Pro. Synod, with continuation.
1425	S. Paul's, London	Henry Chicheley..	Henry VI. ..	Ibid 433	Provinc. Synod.
1426	S. Paul's, London	Henry Chicheley..	Henry VI. ..	Ibid. 459	Provinc. Synod.
1426	York	John Kemp, abp. of York	Henry VI. ..	Ibid. 487	Pro. Synod, with continuations.

[1428 S. Paul's

sions between those meetings at which business was transacted, and those which were held merely "pro formâ," it has

LIST OF ENGLISH SYNODS, A.D. 1279—1500—*continued.*

Date. A.D.	Place.	Archbishop or President.	King.	Reference.	Nature of Assembly.
1428	S. Paul's, London	Henry Chicheley..	Henry VI. ..	Conc. M. B. iii. 493	Pro. Synod, with continuations.
1428	York	John Kemp	Henry VI. ..	Ibid. 514	Provinc. Synod.
1429	.....	Henry Chicheley..	Henry VI. ..	Ibid. 514	Cant. Pro. Synod.
1430 N.S.	S. Paul's, London	Henry Chicheley..	Henry VI. ..	Ibid. 515	Provinc. Synod.
1430	York	John Kemp	Henry VI. ..	Ibid. 518	Provinc. Synod.
1432	S. Paul's, London	Henry Chicheley..	Henry VI. ..	Ibid. 520	Provinc. Synod.
1432	York	John Kemp	Henry VI. ..	Ibid. 521	Provinc. Synod.
1433	S. Paul's, London	Henry Chicheley..	Henry VI. ..	Ibid. 521	Provinc. Synod.
1434	S. Paul's, London	Henry Chicheley..	Henry VI. ..	Ibid. 523	Provinc. Synod.
1435	S. Paul's, London	Henry Chicheley..	Henry VI. ..	Ibid. 525	Provinc. Synod.
1436	London	Henry Chicheley..	Henry VI. ..	Ibid. 525	Provinc. Synod.
1436	York	John Kemp	Henry VI. ..	Ibid. 525	Provinc. Synod.
1437	.....	Henry Chicheley..	Henry VI. ..	Ibid. 525	Cant. Pro. Synod.
1438	S. Paul's, London	Henry Chicheley..	Henry VI. ..	Ibid. 525	Provinc. Synod.
1438	York	John Kemp	Henry VI. ..	Ibid. 533	Provinc. Synod.
1439	S. Paul's, London	Henry Chicheley..	Henry VI. ..	Ibid. 533	Provinc. Synod.
1440	York	John Kemp	Henry VI. ..	Ibid. 536	Provinc. Synod.
1442	.....	Henry Chicheley..	Henry VI. ..	Ibid. 536	Cant. Pro. Synod.
1442	York	John Kemp	Henry VI. ..	Ibid. 536-7 ..	Provinc. Synod.
1444	S. Paul's, London	J. Stafford, abp. Cy.	Henry VI. ..	Ibid. 539	Provinc. Synod.
1445	York	John Kemp	Henry VI. ..	Ibid. 544	Provinc. Synod.
1446	Lambeth	John Stafford	Henry VI. ..	Ibid. 549	Assembly of Prelates.
1446	S. Paul's, London	John Stafford	Henry VI. ..	Ibid. 554	Provinc. Synod.
1449	S. Paul's, London	John Stafford	Henry VI. ..	Ibid. 556-7 ..	Cant. Pro. Synod, with continuations.
1450	.....	.....	Henry VI. ..	Ibid. 559	York Pro. Synod.
1452	York	Commissioners ...	Henry VI. ..	Ibid. 563	Pro. Synod, with continuations.
1453 N.S.	S. Paul's, London	J. Kemp, abp. Cy.	Henry VI. ..	Ibid. 562	Provinc. Synod.
1453	York	Will. Boothe, abp. of York	Henry VI. ..	Ibid. 564	Diocesan Synod.
1460	York	Will. Boothe	Henry VI. ..	Ibid. 580	Prov. Synod, with continuations.
1460	S. Paul's, London	Th. Bourchier, abp. of Canterbury	Henry VI. ..	Ibid. 577	Provinc. Synod.
1462 N.S.	York	Will. Boothe	Edward IV. ..	Ibid. 580	Provinc. Synod.
1462	S. Paul's, London	Th. Bourchier	Edward IV. ..	Ibid. 580	Provinc. Synod.
1462	York	Will. Boothe	Edward IV. ..	Ibid. 580	Provinc. Synod.
1463	S. Paul's, London	Th. Bourchier	Edward IV. ..	Ibid. 585	Provinc. Synod.
1463	York	Will. Boothe	Edward IV. ..	Ibid. 587	Provinc. Synod.
1464 *	Canterbury	Th. Bourchier	Edward IV. ..	Ibid. 598	Diocesan Synod.
1464	Worcester	Bishop Carpenter..	Edward IV. ..	Ibid. 598	Diocesan Synod.
1464	Doncaster	Will. Boothe	Edward IV. ..	Ibid. 598	Diocesan Synod.
1466	York	G. Neville, abp. Yk.	Edward IV. ..	Ibid. 599	Provinc. Synod.
1468	S. Paul's, London	Th. Bourchier	Edward IV. ..	Ibid. 606	Provinc. Synod.
1470	S. Paul's, London	Th. Bourchier	Edward IV. ..	Ibid. 606	Provinc. Synod.
1470	York	Geo. Neville	Edward IV. ..	Ibid. 606	Provinc. Synod.
1472 N.S.	.....	Th. Bourchier	Edward IV. ..	Ibid. 607	Cant. Pro. Synod.
1472	.....	Geo. Neville	Edward IV. ..	Ibid. 607	York Pro. Synod. [1473 N.S. ..

* For raising subsidy for the Pope, who was going on "viage against the Turks."

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been thought the safer plan to include all dates on which the assemblies were summoned.

Voltaire[a] once said in reference to some of the English nation, that "they are even better pleased that the bishops draw their authority from the parliament than from the Apostles." Were that bitter scoffer now alive, he might find a fair object for a like sneer in those who would derive the constitution of our sacred synods from the will of a needy king, rather than from the authority of our national Church. We have seen, however, in the previous chapter that the constituent members of our provincial synods were then (in conformity with the usages of the primitive Church, and of this national Church) the same as they are among us to this day, viz. archbishops, bishops, and certain presbyters. We have seen also that the presbyters called were of the same rank, and selected in the same way as those summoned to this day, excepting, of course, the cases of the abbots and priors, whose

[a] Courayer, on Valid. of Eng. Ord. pref. li. quotes Encyclop. Methodique.

LIST OF ENGLISH SYNODS, A.D. 1279—1500—*continued.*

Date. A.D.	Place.	Archbishop or President.	King.	Reference.	Nature of Assembly.
1473 N.S.	.....	Th. Bourchier	Edward IV. ..	Conc. M. B. iii. 607	Cant. Pro. Synod, with continuations.
1475 N.S.	.....	Th. Bourchier	Edward IV. ..	Ibid. 607	Cant. Pro. Synod.
1475 N.S.	.....	Geo. Neville	Edward IV. ..	Ibid. 608. Coll. iii. 410	York Pro. Synod.
1476 N.S.	S. Paul's, London	Th. Bourchier	Edward IV. ..	Conc. M. B. iii. 608	Provinc. Synod.
1477	.....	L. Boothe, abp. Yk.	Edward IV. ..	Ibid. 612	York Pro. Synod.
1478	.....	Th. Bourchier	Edward IV. ..	Ibid. 612	Cant. Pro. Synod.
1478	York	Laurence Boothe..	Edward IV. ..	Ibid. 612	Provinc. Synod.
1479 N.S.	York	Laurence Boothe..	Edward IV. ..	Ibid. 612	Provinc. Synod.
1480	York	Th. Rotherham, abp. of York	Edward IV. ..	Ibid. 614	Provinc. Synod.
1481 N.S.	S. Paul's, London	Th. Bourchier	Edward IV. ..	Ibid. 612	Pro. Synod, with continuations.
1483	.....	Th. Bourchier	Edward V. ..	Ibid. 614	Cant. Pro. Synod.
1484 N.S.	.....	Th. Bourchier	Richard III. ..	Ibid. 614	Cant. Pro. Synod.
1485 N.S.	.....	Th. Bourchier	Richard III. ..	Ibid. 616	Cant. Pro. Synod.
1486	S. Paul's, London	J. Morton, abp. Cy.	Henry VII. ..	Ibid. 618	Provinc. Synod.
1487 N.S.	York	Th. Rotherham...	Henry VII. ..	Ibid. 621	Provinc. Synod.
1489 N.S.	S. Paul's, London	John Morton	Henry VII. ..	Ibid. 625	Pro. Synod, with continuation.
1489 N.S.	York	Th. Rotherham...	Henry VII. ..	Ibid. 630	Provinc. Synod.
1491	.....	John Morton	Henry VII. ..	Ibid. 634	Cant. Pro. Synod.
1492 N.S.	York	Th. Rotherham...	Henry VII. ..	Ibid. 635	Provinc. Synod.
1495	York	Th. Rotherham...	Henry VII. ..	Ibid. 644	Provinc. Synod.
1495	.....	John Morton	Henry VII. ..	Ibid. 644	Cant. Pro. Synod.
1497 N.S.	.....	John Morton	Henry VII. ..	Ibid. 645	Cant. Pro. Synod.
1497	.....	Th. Rotherham...	Henry VII. ..	Ibid. 646	York Pro. Synod.

existence ceased at the pillage and destruction of the abbeys and monasteries.

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II. Accession of Archbishop John de Peccham to the see of Canterbury.

Our present period begins with the accession of John de Peccham to the see of Canterbury, who, very early after he was invested with that dignity, called together synods of his province. The first was a provincial synod of bishops only, convened at Reading [b], A.D. 1279; the next a provincial synod of the same character, which met in London [c], A.D. 1280 N.S., and at which the bishops, having previously consulted with their clergy in their respective dioceses, were to report what aids could be raised for the needs of the sovereign. For his majesty's Welsh expedition had rendered his wants so pressing, that he not only desired assistance through the means of this assembly, but actually wrote himself to individual bishops [d], desiring that they would promote his pecuniary interests within the limits of their respective jurisdictions.

[b] Conc. Mag. Brit. ii. 33.
[c] Conc. Mag. Brit. ii. 37.
[d] K. Edw. I.'s Letter to Bp. of Worcester, Conc. Mag. Brit. ii. 40.

The third synod held by Archbishop Peccham was convened at Lambeth [e], A.D. 1280; and this was a full provincial synod, composed of all members who could at that time claim seats in such an assembly; for not only were the bishops and abbots called, but "the whole [2] clergy of his metropolis." And it may be presumed that the chosen presbyters, under the degrees of abbots, attended according to the practice established in Archbishop Robt. Kilwarby's time, which has been previously considered. His fourth provincial synod was held in London [f], A.D. 1280, of which but scanty accounts remain; his fifth at Lambeth [g], A.D. 1281, all other usual [3] members, except the diocesan proctors, being summoned by name, for which omission it is difficult to assign a reason, if the records are correct; and his sixth was a provincial synod of bishops only, held in London [h], A.D. 1282 N.S.

[e] Conc. Mag. Brit. ii. 42.
[f] Conc. Mag. Brit. ii. 49.
[g] Conc. Mag. Brit. ii. 49, 50.
[h] Conc. Mag. Brit. ii. 69.

III. Convocations pure provincial synods.

But to proceed to matters bearing directly on our present inquiry. In the year 1283 a provincial synod was summoned by Archbishop Peccham to meet at the New [i] Temple, London, a

[i] Conc. Mag. Brit. ii. 93.

[2] "Convocatis universis episcopis, abbatibus et *toto clero* suæ metropolis."—Conc. Mag. Brit. ii. 42, citing MS. Bodl. Digb. No. 170, f. 18, A.

[3] Coepiscopos . . . abbates, priores electivos . . . decanos cathedralium et collegiatarum ecclesiarum, archidiaconos, et capitulorum procuratores."—Conc. Mag. Brit. ii. 50.

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place of privilege[j] and exemption, and called together by pure ecclesiastical authority. To this synod were summoned all such persons as we have seen in the last chapter were the proper constituent members of the provincial synods of this country at that time. The persons here convened were all specifically named in the mandate sent by Archbishop Peccham to the Bishop[4] of London, desiring him to call together the assembly, viz. "bishops of the province, abbots, priors, deans of cathedrals and collegiate churches, archdeacons . . . two proctors for each diocese, and one for each chapter." They were called not by any secular authority, but by the archbishop's mandate—they were called not to a place under royal jurisdiction, but to one exempt[k] by ecclesiastical privileges—and they were called to "treat[l] and agree upon such things as the *whole clergy* should deem profitable for the honour of the Church, the satisfaction of the king, and the peace of the kingdom." This was a true provincial synod. It had not a single element about it which could lead to a reasonable surmise that it partook in any way of the character of a secular assembly. Indeed it may be remarked that the clergy assembled on this occasion had refused to attend the parliament[m], summoned to meet at Northampton in January of this year whither the king had endeavoured to bring them by a royal writ, because they thought he was exercising an unwonted stretch of power. But to this ecclesiastical assembly, summoned by proper metropolitical authority, and in the due canonical way, they came; and that it was a pure provincial synod, and composed of the same persons as those who in the last chapter were shewn to be proper constituent members of such assemblies, its whole history testifies.

j Kennett, Eccl. Syn. p. 136.

k Kennett, Eccl. Syn. p. 136.

l Vide note.

m Conc. Mag. Brit. ii. 91.

[4] "Quocirca fraternitati vestræ tenori præsentium præcipiendo mandamus, quatenus confratres nostros Episcopos Cant. Ecclesiæ, suffraganeos omnes et singulos, necnon abbates, priores ac alios quoscumque domibus religiosis præfectos exemptos et non exemptos, decanos ecclesiarum cathedralium et collegiatarum, ac archidiaconos universos per Cant. provinciam constitutos, citetis vel citari faciatis peremptorie . . . ita quod ad dictos diem et locum London de qualibet diocesi duo procuratores in nomine cleri, et de singulis capitulis ecclesiarum cathedralium et collegiatarum singuli procuratores sufficienter instructi mittantur, qui plenam et expressam potestatem habeant una nobiscum et confratribus super præmissis tractandi et consentiendi his, quæ ibidem ad honorem Ecclesiæ, consolationem domini regis, et pacem regni, cleri communitas providebit."—Conc. Mag. Brit. ii. 93, citing Reg. Peckam, fol. 83, B.

This provincial synod, as well as that next following, held again at the New Temple[n] shortly after Michaelmas in the same year, 1283, and composed of the same members, was called, according to the records which abide, not only (as has been sometimes represented) for the matter of subsidies, but to consult for the "honour[o] of the Church," and to treat of those things "which[5] respect the honour of God and the salvation of souls." It is indeed evident, that while the clergy taxed themselves, a practice which existed until the reign of K. Charles II., subsidies, as well as doctrinal matters, were of necessity often treated of in pure synods. But it is a great violence to history to endeavour to fix a secular character upon our ecclesiastical assemblies, because it is found that financial matters became among others the subjects of their deliberations and decisions. This was an accident attaching to them from the very necessity of the constitution of our Church and nation as at that time established; and it is as false in reasoning to assign a secular character to our provincial synods or convocations of that age, because they sometimes entertained questions of financial supply, as it would be to attribute a synodical character to the English House of Commons of this age, because it unfortunately becomes ever and anon the arena of theological dispute.

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[n] Conc. Mag. Brit. ii. 95.

[o] Conc. Mag. Brit. ii. 93.

We have at this time, then, the clear records of mandates by which pure provincial synods or convocations were summoned, those mandates containing all the constituent members, mentioned specifically and by name, in respect of whom it was necessary to prove by a more laborious process in the last chapter that they enjoyed seats in those assemblies. No doubt, therefore, remains as to the persons of whom the convocations were composed at this period. A detailed list, however, will be hereafter given[p] of them.

[p] See sec. 6 infra.

Nor can any doubt reasonably exist as to the purposes for which such assemblies were convened, viz. to promote the honour[q] of God, the good of the Church, and the salvation of souls.

[q] Conc. Mag. Brit. ii. 93.

IV. Of the royal writs commanding the metropoli-

It is perfectly evident that in all ages and in every branch of the Church, where no external

[5] "Quæ honorem Dei et animarum salutem respiciunt, tractaturi."—Conc. Mag. Brit. ii. 95, quotes Reg. Peck. fol. 84 seq.

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Metropolitans to summon provincial synods.

influence has prevailed, metropolitans have summoned provincial synods at their own discretion and under their own authority. Such was the practice in our own country down to the year 1534, in which the Clergy Submission Act[r] was passed; and though this is denied in the preamble of that act, and it is asserted to be "according to the truth that the convocations .... always *hath* been .... assembled only by the king's writ," yet it is, I hope, pardonable to say that a more transparent and notorious falsehood does not stand upon the records of any country. But[s] of this in its proper place.

[r] 19 Hen. VIII. c. 25.

[s] Vid. infra, chap. xi. sec. 2.

Set on foot by K. Edward I.

Our inquiry here is to discover by what means it arose that our sovereigns did issue their writs from time to time for the summoning of provincial synods or convocations, even during those periods of our history in which our metropolitans also, as often as they pleased, called together those assemblies under their own authority, in accordance with the immemorial usages of the Church, and with the ancient customs and common law of this land. Now this practice for the king to issue his writs directing the archbishops to summon their respective provincial synods was set on foot in K. Edward I.'s time; and though at its commencement it met with very ill success, yet afterwards, in the reign of K. Edward III., it became a common usage. The old-established principle acted upon in this country was "quod[t] omnes tangit debet ab omnibus approbari;" and in accordance with it pecuniary aids were always voted by the clergy in their proper synods. It therefore became desirable for expensive monarchs that those synods should be held frequently; for even when no spiritual affairs needed attention, yet fiscal wants might press. Now to supply these K. Edward I. endeavoured at one time to raise the needful subsidies by calling the clergy to *parliament* irrespectively of a synod, and so to impose financial burdens upon them in the lay assemblies of the realm. His first endeavour to do this in the *parliaments* at Northampton[u] and York[v], A. D. 1283 N. S., was a signal failure—"they absented," though on that occasion his language had been that of command[6].

[t] Ref. Legum Ecc. 299.

[u] Conc. Mag. Brit. ii. 91.

[v] Conc. Mag. Brit. ii. 92.

[6] "Vobis mandamus rogantes quatenus . . . venire faciatis coram nobis apud Northamp. in octab. S. Hilarii," &c.—Conc. Mag. Brit. ii. 91.

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So at the subsequent provincial synod before mentioned[w], held in the due canonical way at the New[ww] Temple, London, three weeks after Easter, A.D. 1283, his commissioners appeared with a request couched in more mild language, affectionately[7] requesting attention to his wants, which, being thus notified in the usual way, were in the usual way supplied. And thus matters proceeded upon the ancient footing, until the clergy of the northern province, about three years afterwards, being somewhat backward in their supplies, the king sent a *request*[8] to the Archbishop of York (A.D. 1286) that he would summon his provincial synod to vote an aid, which his majesty asserted had been promised; and which to the amount of a thirtieth[x] part of their goods was then accorded. This request, however, did not amount to a command. The clergy of Canterbury in the meanwhile held their synods under the authority and at the command of their metropolitan, as usual. But the backwardness of the northern clergy to supply the exchequer seems again, in the course of four years afterwards, to have instigated the king to interpose some strain of authority. The clergy of Canterbury in their provincial Synod[y] of Ely (A.D. 1290) had granted a fifteenth, and the king thought that their brethren of the north ought not to be less ready with their assistance. He therefore directed a writ to John Romani, archbishop of York, desiring him to summon his provincial synod, and to induce the members to imitate the liberal example set in the sister province. This document amounted to somewhat more than such a request as was communicated in the former instance, and it ended in words of unmistakable command[9]. And this is perhaps the first of those documents connected with the period before us, bidding a metropolitan to hold his provincial synod, and couched in words of absolute command. Such communications afterwards became more common, and the present royal writs for the summoning of the convocations are their natural offspring.

The success of this enterprise, as regarded the northern

[w] Sup. p. 257.

[ww] Conc. Mag. Brit. ii. 93.

[x] Conc. Mag. Brit. ii. 127.

[y] Conc. Mag. Brit. ii. 173.

[7] "Vos affectuose rogantes quatenus . . . in his, quæ vobis circa præmissa ex parte nostra referent viva voce, adhibeatis firmam fidem."—Conc. Mag. Brit. ii. 94.

[8] "Quocirca vos rogamus quatenus habito colloquio cum clero vestro eundem (sic) ad solvendum nobis, quod gratis promisit."—Conc. Mag. Brit. ii. 126.

[9] "Et hoc, sicut de vobis confidimus, nullatenus omittatis."—Conc. Mag. Brit. ii. 174.

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province, was satisfactory. The clergy met, and, having been called in the due canonical way by their metropolitan, though at the instigation of the king, cheerfully[1] voted their subsidy. This successful issue appearing in favourable contrast to the failures which attended K. Edward's previous endeavours to bring the clergy to his *parliaments* at Northampton and York for the purposes of taxation, induced him to pursue in the year 1294 a course somewhat similar, though of more extensive operation. In that year the French monarch having possessed[z] himself of our Gascon provinces, K. Edward I. desired to recover them, and for that purpose required aids to meet his expenses. With this view he determined that a national synod should be called by ecclesiastical authority, having found by previous experience that such a course was more likely to furnish the exchequer than any attempt to force the clergy into *parliament* for taxation. He therefore directed writs, dated the 19th of August, 1294, to each bishop, commanding them respectively to present themselves on the following festival of S. Matthew at Westminster, in order "to treat with himself, the prelates, and clergy of the kingdom on the state of Gascony." The bishops were not only ordered themselves to attend, but they were bid to "call[2] their archdeacons and the whole clergy of their diocese" to attend with them. Thus was a national synod summoned not provincially by the metropolitans, but by accumulated diocesan authority. And this was, I think, the second instance at this period of a synod being summoned by ecclesiastical authority at the previous command of the monarch. From the word "vocantes" which occurs in the king's writ on this occasion, Dr. Atterbury has looked upon this as the forerunner of the "præmunientes" clause, which was first inserted in the bishops' writ to parliament issued in the following year (A.D. 1295). But this is an evident misconception, as the "præmunientes" call was to *parliament*[a], this writ, on the other hand, now under consideration was

[z] Conc. Mag. Brit. ii. 201.

[a] Wake's State, p. 464.

[1] "Clerus ipse . . . vultu hilari et jucundo . . . concessit liberaliter decimam," &c.—Conc. Mag. Brit. ii. 174.

[2] "Vocantesque prius archidiaconum totumque clerum dictæ diœceseos, facientesque quod idem archidiaconus in propriâ personâ suâ, dictusque clerus per duos procuratores idoneos plenam et sufficientem potestatem ab ipso clero habentes, una vobiscum intersint," &c.—Conc. Mag. Brit. ii. 201.

clearly intended upon the face of it to secure the meeting of a *national*[b] *synod*.

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But for a time abandoned.

But the clergy of the kingdom were, it must be presumed, unwilling to be brought to an ecclesiastical synod in this uncanonical way, for no repetition of such an endeavour appears in this reign. In the following year, indeed (A.D. 1295), the king endeavoured to bring them to *parliament* by the "præmunientes" clause, but of that we shall see the event hereafter; and that matter, moreover, being beside our present purpose, must not be further entered into here. It appears, as was said, that the clergy were unwilling to give their attendance in an ecclesiastical synod at the direct commands of the king, as "tending to abolish their provincial synods convened[c] by regular ecclesiastical authority," and to supplant them by an assembly convened under the secular power. For not only did no repetition of this attempt occur for some time, but we find that the six[3] next provincial synods were held by the direct commands and under the original jurisdictions of the respective archbishops, without any interposition of royal authority. And when again some interference upon a subsequent occasion did take place, it was only by an affectionate[d] request on his majesty's part, that the clergy might be summoned to their proper provincial synods in the due canonical way. This request was made from S. Alban's (A.D. 1298); and Archbishop Robert Winchelsey acceded to it on account of the urgency[e] with which it was preferred. But on this occasion, so far as records inform us, no royal writ was issued, but only the above-mentioned milder course was pursued, as being better calculated to soften the feelings of the clergy after the very strange aggression lately made upon their rights[f] and persons as subjects, and as being also more likely to secure a cheerful and willing grant of the substantial assistance so much required by the king's needs. Indeed during the remainder of the reign of K. Edward I. no royal writ for

[b] Wake's State, pp. 232—234. Kennett, Eccl. Syn. 274.

[c] Pearce, Law Conv. p. 14.

[d] Conc. Mag. Brit. ii. 236.

[e] Ibid.

[f] Hume, p. 149.

[3] New Temple..... A.D. 1295 Conc. Mag. Brit. ii. 215.
S. Paul's, London.. „ 1297 N.S. „ „ 219.
S. Paul's, London.. „ 1297 „ „ 225.
New Temple..... „ 1297 „ „ 226.
New Temple..... „ 1297 „ „ 229.
York ..... „ 1297 „ „ 235.

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the summoning of convocations appears to have been issued, though such assemblies were continually held in accordance with the mandates of the metropolitans. Nor was the king careful to assign the seasons for the celebration of synods, so long as his exchequer was supplied by the *parliament*, to which the clergy now came under the execution of the bishops' writs containing the "præmunientes" clause.

Attempts to execute them renewed by K. Edward II.

In the seventh year, however, of his son and successor, K. Edward II. (A.D. 1314), an attempt was again made to compel the attendance of the clergy in provincial synod, by a royal writ directed to Archbishop Walter Raynold during the first year of his accession to the see of Canterbury. At that time Robert Bruce and his adherents had occupied[g] sundry towns and fortresses in Scotland, devastated churches, oratories, and other sacred places in that country; and had put to death persons of both sexes who were there attached to the interest of the English. The Scotch had marched on Berwick-upon-Tweed[h], and threatened to invade the English frontiers. Under these circumstances K. Edward II. determined to advance as far as Newcastle-upon-Tyne, in order to check, if possible, the encroachments of the enemy; and thinking that the clergy ought to bear a share in the expenses of this expedition, he directed a writ, dated from Westminster on the 25th March, A.D. 1314, to Archbishop Walter Raynold, desiring him to summon his provincial Synod of Canterbury to meet at Westminster on the day following Ascension day in that year[i]. The synod was to be held in the presence of

[g] Conc. Mag. Brit. ii. 442.

[h] Ibid.

[i] The king's writ to the archbishop was couched in these words:

"Vobis mandamus rogantes quatenus aliis prætermissis, sitis in propriâ personâ vestrâ apud Westm. in crastino Ascensionis Domini prox. futur. coram fidelibus nostris ad hoc deputandis, ad tractandum cum eisdem super competenti auxilio a clero provinciæ vestræ Cantuar. nobis impendendo, ex causis prædictis pro utilitate reipub. et statu Ecclesiæ S. relevando a servitute prædictâ, prout in proximo parliamento nostro apud Westm. habito tam per clerum quam per communitatem regni nostri existit concordatum, et prout per prædictos fideles nostros eritis requisiti; et ad eundem diem venire faciatis coram dictis fidelibus nostris suffraganeos vestros, decanos et priores ecclesiarum cathedralium, archidiaconos, abbates exemptos et non exemptos provinciæ vestræ in propriis personis suis, capitula etiam singula dictarum ecclesiarum cathedralium per singulares procuratores, et clerum cujusque diœceseos ejusdem provinciæ per duos procuratores sufficientes, ad tractand. et consentiendum una vobiscum his, quæ in premissis ibidem tunc contigerit

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some of the king's counsellors deputed by him to treat with the members on the subject of a competent subsidy.

The clergy resist.

Now the clergy had before this submitted to the new call to *parliament* under the "præmunientes" clause in the bishops' writ, and accordingly had cheerfully and very fully given their attendance; as, for instance, in the case of the last parliament held by the late king at Carlisle. But they thought the present a dangerous aggression upon the rights of the Church, and one which they were bound to resist, as being an encroachment upon the liberty of the metropolitans as to the times and seasons when they should, in the exercise of their own discretion, summon their provincial synods. Moreover, the present proceeding seemed to degrade the provincial synod to the level of a mere state convention, as threatening the presence of *lay* counsellors, who were to appear there in order to set before the assembly the exigencies of the royal exchequer. Upon the assembly[i] of the synod the clergy therefore put in their objections against the form of this royal citation, which had been repeated in the archiepiscopal mandate.

[i] Conc. Mag. Brit. ii. 442.

They assign their reasons for so doing.

The objections were briefly as follow:

1st. They allege that it tends manifestly to the[j] subversion of ecclesiastical liberty that the clergy should be called to convocation by the royal authority; that such an exercise of it was contrary to custom and to right.

[j] Conc. Mag. Brit. ii. 443.

2ndly. That such[k] writs issuing from royal authority had been condemned in a recent provincial synod, and that the whole clergy had agreed that convocation could not be thus rightly summoned, as all memory and history runs the contrary way.

[k] Ibid.

3rdly. That such[l] a royal command might hereafter serve as a precedent prejudicial to the Church of Canterbury.

[l] Ibid.

4thly. That a[m] metropolitan had no authority to convene the clergy of his suffragans out of their dioceses, except in certain cases, of which this was not one, and that such a writ

[m] Ibid.

ordinari. Et hoc, sicut vos et honorem nostrum et vestrum, ac utilitatem reipubl. et relevationem Ecclesiæ sacræ ab hujus servitute diligitis, modis omnibus faciatis. —T. meipso apud Westm. 25 die Martii, anno Regni nostri VII."—Conc. Mag. Brit. ii. 442, citing Rot. Claus. 7 Ed. II. M. 8, d. et Reg. Henr. Prior Cantuar. fol. 147.

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might tend hereafter to the prejudice of the bishops, and the injury of their clergy.

[n] Conc. Mag. Brit. ii. 443.

5thly. That [n] it had never been usual to convene the clergy at a place like Westminster, exempt from ordinary authority, and that therefore the present summons for the purposes enjoined was not binding.

[nn] Ibid.

6thly. That [nn] since laity could not be judges over persons or causes ecclesiastical, the fact of the archbishop and his suffragans, the prelates and clergy, being summoned to appear in the presence of the king's deputies, persons armed with no ecclesiastical authority, might serve hereafter as a precedent not only pernicious, but utterly subversive of Church authority.

[o] Ibid.

7thly. That [o] since neither the priors of monasteries, nor the convents under abbots had been cited, the persons summoned could not proceed to deal with property which was not represented in the assembly.

[p] Ibid.

8thly and lastly. That [p] subsidies were only to be granted by the Church in accordance with ancient rights, as specified by the ecclesiastical canons; and that the clergy could not, therefore, vote supplies on the present occasion without injury to the liberty of the Church, and manifest opposition to sacred constitutions.

The clergy upon these grounds prayed the archbishop to obtain a revocation of the royal writ [5], and to cancel the citation which he had himself issued—that citation having been incorporated with the offensive document.

Their reasons for awhile prevail.

[q] Wake's State, p. 226.
[r] Conc. Mag. Brit. ii. 444.

These reasons so far [q] prevailed with Archbishop Walter Raynold, that he withdrew [r] the documents complained of, and gave the clergy their option of now proceeding to treat under protest, or of waiting for a more legitimate citation. On the latter course they determined, at the same time claiming the archbishop's protection against the indignant threats of some ill-satisfied courtiers, and giving assurances of their loyal disposition towards the king and country.

[5] "Revocationem brevis hujus impetrare, et hujusmodi revocatione habitâ, prædictam citationem, tam periculosam et ecclesiasticæ libertate quamplurimum derogantem, ex paternâ provisione dignetur circumducere vestra paternitas reverenda." —Conc. Mag. Brit. ii. 443, citing Reg. Eccl. Cantuar. H. fol. 194 seq.

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The archbishop subsequently issued his mandate [s] in the due canonical way for a convocation, which was held at S. Paul's [t], London, A. D. 1314, and there being now no just exceptions to the citation and circumstances of the meeting, as in the former case, the required subsidy was granted [u].

A like course was pursued in the province of York on this occasion. The king's writ [v], directed to the archbishop of that province, and similar to that sent to the Archbishop of Canterbury, ordered the northern synod to meet on the morrow after Trinity Sunday, 1314. It does not appear whether the northern clergy remonstrated in the same terms as those of the southern province, but at any rate the result of the meeting was to the same effect. It was arranged that a proper convocation, assembled in the ancient canonical way, under the direct commands of the metropolitan, should meet at York on the 26th of June. They met, and there granted their subsidy.

Milder measures pursued by K. Edward II.

Thus K. Edward II. found, by competent experience, that these rough measures of commanding the metropolitans to summon their provincial synods to meet in the presence of his commissioners, and in the case of the southern province at a place exempt from ordinary jurisdiction, were not likely to succeed; and the metropolitans also perceived that the clergy were willing and ready to attend, if summoned in the ancient way, without the addition of the king's writ attached to the provincial mandate. A more mild and conciliatory course was therefore now pursued, and one which availed to secure the desired results without raising scruples and remonstrances, which, to say the least, were not groundless.

For shortly afterwards, the king having held his parliament [w] at Lincoln, and having been attended by the *parliamentary* clergy, summoned, as was now the custom, under the præmunitory [x] clause, obtained the promise of a subsidy. In order to assess the amount to be levied on the clergy, he desired that provincial synods should be held, and directed a writ from Lincoln (dated Feb. 16, 1316 N. S.) to the Archbishop of Canterbury, desiring him to call his convocation together a fortnight after Easter. But this writ was couched in a far milder strain than the former, against which so much

[s] Conc. Mag. Brit. ii. 444.
[t] Conc. Mag. Brit. ii. 445.
[u] Conc. Mag. Brit. ii. 451.
[v] Wake's State, p. 266.
[w] Conc. Mag. Brit. ii. 256.
[x] Wake's State, p. 267.

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exception had been taken. The clergy were now to meet before their[6] metropolitan, his authority[7] was justly recognized, and they were also to assemble in their accustomed[8] place, subject to ordinary jurisdiction. No mention, as in the former case, was now made of royal deputies as about to be present in the synod, but only some of the king's council were to attend at the appointed time to receive the answers of the clergy, and report them to their royal master[9].

In obedience to this writ, though without reciting it in the archiepiscopal mandate, which might again have proved an offence, the Archbishop of Canterbury summoned his convocation to meet a fortnight after Easter at S. Paul's[y], London; and thus, in accordance with the king's desire, the clergy met in their proper provincial synod, summoned in the due canonical way, without the public exhibition of any royal document commanding attendance. The king's wishes were thus satisfied, and the consciences of the clergy and the ancient rights and privileges of the Church were in a manner saved.

[y] Conc. Mag. Brit. ii. 457.

Another convocation was held at S. Paul's[z] in this year, which was summoned by the archbishop in the same way. Four convocations[a] were also held at York. Archbishop Grenefeld had lately died, but during the vacancy of that see the king's writs were directed to the guardians of the spiritualties—the dean and chapter—who acted for the time in the place of the metropolitan.

[z] Conc. Mag. Brit. ii. 458.

[a] Conc. Mag. Brit. ii. 462.

Arrangements for a time satisfactory.

At this time the arrangements seem to have been satisfactory. The king, having receded from the offensive matters contained in his writs issued in the year 1314, upon which the clergy scrupled to meet, now directed writs of a less assuming character to the metropolitans, who in consequence summoned the clergy, though at the royal instigation, yet upon their own authority; and then the clergy, "as they appeared[b] to obey their spiritual superior, no longer hesitated to meet in convocation."

[b] Hume, p. 148.

[6] "Coram vobis."—Conc. Mag. Brit. ii. 456.

[7] "Vestra auctoritate interveniente."—Ibid.

[8] "In loco debito convocentur."—Ibid.

[9] "Mittemus autem ad vos ad diem prædictam quosdam de concilio nostro ad responsionem vestram . . . audiendam, et nobis postmodum reportandam."—Ibid.

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Fresh difficulties.

But again, in the year 1323 N.S. new difficulties of the old character again arose.

The king, troubled by fresh aggressions of the Scotch, and requiring a subsidy, issued a royal writ[c], directing Archbishop Walter Raynold to summon his provincial synod. The synod was called in consequence of it by the archbishop, and met at Lincoln[d] on the festival of Hilary, Jan. 13, 1323 N.S. But the clergy, oppressed by the king's demands, having lately granted him two-tenths of their incomes, again remonstrated against being called together under royal authority, and referred to the dangers which thus impended over the liberties of the Church, and to the protests on this subject which they had delivered between eight and nine years before at the provincial Synod[e] of Westminster, A.D. 1314, and which we have previously considered.

[c] Conc. Mag. Brit. ii. 516.

[d] Conc. Mag. Brit. ii. 517.

[e] Conc. Mag. Brit. ii. 442, 443.

And here a fresh hitch evidently arose, because, though the king issued his writ[f] towards the end of this year for the summoning of the York Convocation, and probably for the summoning of the Canterbury Convocation also, those[g] writs were withdrawn, and a memorandum is placed on the parliamentary rolls, that the clergy of neither province should be called together.

[f] Conc. Mag. Brit. ii. 520.

[g] Rot. Claus. 17 Ed. II. M. 27 dorso. cited in Conc. Mag. Brit. ii. 520.

Final arrangement of the matter—Royal writs issued and cheerfully obeyed in the time of K. Edward III.

Finally, however, after the last disastrous events of K. Edward II.'s troubled reign had passed, and the "whirlwind's sweeping sway" was hushed, in the first year of his son and successor, K. Edward III., this long-rankling sore seems to have been closed by some healing applications, and an arrangement between the royal and archiepiscopal authority in the matter of summoning provincial synods was agreed upon, which prevails down to this day. This happy conclusion to so long-pending a dispute we may date from the provincial Synod of Leicester[h], A.D. 1327. The Scotch still continued their aggressions. The young king held his parliament at Lincoln, in order to devise means for restraining them; and in accordance with the counsels[i] which there prevailed, he directed his letters to Archbishop Walter Raynold, desiring him to convene his provincial synod. In accordance with this request the archbishop summoned the Canterbury Convocation[j] to meet at Leicester on the 4th of November.

[h] Conc. Mag. Brit. ii. 538-9.

[i] Conc. Mag. Brit. ii. 539.

[j] Conc. Mag. Brit. ii. 538. & Wake's State, p. 279.

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That of York met previously on the 12th of October [k], and both transacted the business for which they were convened. Thus Archbishop Walter Raynold, after having held his see through troublous times, had the satisfaction at least of seeing this collision between the archiepiscopal and royal power satisfactorily arranged before his death, which soon followed [l].

One stretch of authority was, however, attempted by K. Edward III. in reference to the last-mentioned York Convocation, which was resisted in the northern province. It was this: a royal writ was issued, desiring the Archbishop of York to convene his convocation at Lincoln. This was inadmissible, because, as the clergy justly pleaded, they could not be summoned to a provincial synod out of their own province, and their remonstrance was duly allowed; the archbishop receded from his original summons, and convened them in the due canonical way in his metropolitical city of York [m].

The practice, however, now became general, that the convocations should be summoned in obedience to the king's commands, but canonically by the archbishop commanding the clergy to appear before himself, the king's writ expressing to the archbishop that they should meet "BEFORE YOU [10]," the archbishop's mandate summoning to appear "BEFORE ME [1]." Upon such terms the provincial Synod [n] of Lambeth, A.D. 1331, was held, and the York Convocation met also on the same day and in the same year under the like united royal and archiepiscopal authority [o].

Finally, in the eighth year of K. Edward III., A.D. 1334, we have the record of a royal writ, desiring the then archbishop, John Stratford, to summon his provincial Synod of Canterbury in order to vote a subsidy, necessary on account of the expeditions against the Scotch and Irish. The archbishop in consequence issued his mandate, and convened his synod [p] at S. Paul's, London. The royal writ issued on this occasion is recorded [q], and from that time to this, whenever the sovereign has desired that provincial synods should be held, the same practice has virtually prevailed; and upon comparison it will appear that there is but little substantial variation between the royal writ of that year and the royal writs for

[k] Conc. Mag. Brit. ii. 546. & Wake's State, p. 279.

[l] Nov. 16th, 1327.

[m] Conc. Mag. Brit. ii. 546-7.

[n] Conc. Mag. Brit. ii. 558.

[o] Conc. Mag. Brit. ii. 559.

[p] Conc. Mag. Brit. ii. 575-6.

[q] Conc. Mag. Brit. ii. 575.

[10] "Coram vobis."—Conc. Mag. Brit. ii. 558.

[1] "Coram nobis."—Ibid.

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convocation which are now issued in our own times. At any rate the writ issued in the thirteenth year of this king, A.D. 1339, is very similar to those now in use in the reign of her Majesty Queen Victoria. A copy of K. Edward III.'s writ is given in the note [2], that any reader who cares to investigate the subject may compare it with the modern documents [r].

[r] See Pearce, Law of Convoc. p. 55.

By such gradual steps did the present practice obtain of the sovereign's ordering the archbishops to convene their synods; and, as we have seen, it was finally settled in the time of K. Edward III. without any remonstrance being then raised against it. The clergy were content to meet, so it were within their own province, and at the command of their metropolitan, exercising his proper canonical authority; and even if he was instigated by the king to exercise that prerogative, this did not, upon consideration, appear to lessen the obligation of the ecclesiastical summons, or to absolve them in any way from paying to it due canonical obedience. Nor do they shew any less willingness at this day to respect the commands of their spiritual and temporal superiors, though when thus obedient their counsel and advice seems to be easily dispensed with.

But metropolitans also summoned their provincial synods whenever they pleased.

It must, however, be carefully remembered that during the whole period now under consideration, and indeed to a later date, 1534, the year in which the Clergy Submission Act, 25 Henry VIII. c. 19, was passed, the convocations were continually held, as provincial synods have been held in all ages of the Church, whenever the metropolitans thought good, without any writ from the king, or any expression what-

[2] "Rex venerabili in Xto. patri J. eâdem gratiâ Archiepiscopo Cantuar. totius Angliæ primati salutem. Cum quædam alia et urgentia negotia nos et statum regni nostri ac expeditionem negotiorum nostrorum concernentia, &c. et nos in hiis vestris et cæterorum prælatorum ac cleri ejusdem regni consilio et auxilio indigemus, nos de vestræ sinceritatis et benevolentiæ puritate firmam fiduciam obtinentes, quod tam pro defendendis et recuperandis coronæ nostræ regiæ juribus, quam pro dictæ sanctæ Ecclesiæ salvatione et tuitione nobis vigilanter velitis assistere, et quantum ad vos pertinet efficaciter in opportunitatibus suffragari, vobis mandamus rogantes quatenus, &c. totum clerum vestræ Cantuar. provinciæ apud Londonium die Jovis proximo post festum Conversionis Sancti Pauli proximo futurum convocari faciatis. Teste custode Angliæ apud Langele vicesimo octavo die Novembris. Per ipsum Regem et dictum custodem."—Ex. Fœder. Rymer, vol. v. p. 137, cited in Conc. Mag. Brit. ii. 653.

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ever of desire on his part upon the matter. This is so plain as to need no proof, evidence of it occurring upon almost every page of our historical records; so that Sir E. Coke was egregiously mistaken when he asserted that the "clergy of England[s] were never assembled together at a convocation, but by the king's writ." Such an assertion is as false in history as such a strain of authority, if exercised, would have been subversive of the proper ecclesiastical liberty which prevailed in this country previously to K. Henry VIII.'s tyrannical eccentricities. Convocations were, doubtless, often summoned, as we have seen, in accordance with royal writs; but to say that they were always so summoned, and that they were not very commonly convened without such writs, is simply untrue.

[s] Pearce, Law of Convoc. quotes Coke, 4 Inst. 322.

Restraint upon them in this particular dates only from A.D. 1534.

Since, however, the time of the enactment of the statute above referred to, royal writs necessarily precede the summoning of convocations by the archbishops, who are restrained from convening such assemblies without them. But we may remark that the royal bidding did not in those earlier times, nor does it now, alter the spiritual character of our synods. The difference between those times and the present is this: then the royal authority occasionally interposed to secure the holding of convocations; now it always does so. But they are now, as they were then, the pure provincial synods of England; nor does any restraint as to the times of convening them rob them of one particle of their spiritual character. The royal writs for convocation now issue as a matter of constant custom acourse with the writs issued for convening the parliament; and by this practice there is at least secured some remnant of that ancient connexion between the Church and State of England, which every wise well-wisher to his country would grieve to see relaxed or dissolved.

V. Of the "præmunientes" clause in the bishops' writs of summons to parliament.

We must here make a brief digression, taking leave for awhile of Church matters, and considering those more specially belonging to the State. By those who have studied our constitutional history the "præmunitory" or "præmunientes" clause (in the writs by which the English bishops were in those earlier times, and still are in these days, summoned to *parliament*) has always been considered a

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matter for curious inquiry. It is called the "præmunitory" or "præmunientes" clause from the word with which it originally began. That word is certainly not a type of pure Latinity, being of a piece with the jargon in which many of the documents of our mediæval history were written. It was a vulgarism of that day, and was used instead of "præmonentes," "admonishing;" for by the clause in question the sovereign, on calling the English bishops severally to parliament, admonished each one that he would bring with him to that assembly the prior or dean of his cathedral, his archdeacons, one proctor for his cathedral chapter, and two proctors for his diocesan clergy. As this clause was first addressed to the English bishops during that period of our history which we are now considering, it seems desirable to give here some account of its origin, its date, its objects, and its execution. A copy of the original is inserted in the note[3], and it must be observed that, in the writs by which our bishops are summoned to parliament at this day, the clause is retained[t] with a slight variation.

[t] Lathbury, Hist. of Convocation, & Johns. V. M. vol. i. p. 146.

[3] "Breve regium Archiepiscopo Cantuar. directum de parliamento tenendo apud Westmonasterium cum clausula 'Præmunientes.'"—Ex Rot. Claus. 23 Ed. I. M. 3, dorso (apud Conc. Mag. Brit. ii. 215):

"Rex venerabili in Christo patri R. eâdem gratiâ Cant. Archiepiscopo totius Angliæ primati salutem. Sicut lex justissima, provida circumspectione sacrorum principum stabilita, hortatur et statuit, ut quod omnes tangit ab omnibus approbetur; sic et innuit evidenter, ut communibus periculis per remedia provisa communiter obvietur. Sane satis nostis, et jam est, ut credimus, per universa mundi climata divulgatum, qualiter Rex Franciæ de terrâ nostrâ Vasconiæ nos fraudulenter et cautelose decepit, eam nobis nequiter detinendo: nunc vero prædictis fraude et nequitia non contentus, ad expugnationem regni nostri classe maxima, et bellatorum copiosâ multitudine congregatis, cum quibus regnum nostrum, et regni ejusdem incolas hostiliter jam invasit; linguam Anglicanam, si conceptæ iniquitatis proposito detestabili potestas correspondeat (quod Deus avertat) omnino de terra delere proponit. Quia igitur prævisa jacula minus lædunt, et res vestra maxime, sicut cæterorum regni ejusdem concivium agitur in hac parte; vobis mandamus in fide et dilectione, quibus nobis tenemini, firmiter injungentes, quod die dominicâ proxime post festum Sancti Martini in hyeme proxime futurum apud Westminster personaliter intersitis; "præmunientes" priorem et capitulum ecclesiæ vestræ, archidiaconum, totumque clerum vestræ diœceseos: facientes, quod iidem prior, et archidiaconus in propriis personis suis, et dictum capitulum per unum, idemque clerus per duos procuratores idoneos, plenam et sufficientem potestatem ab ipsis capitulo et clero habentes, una vobiscum intersint, modis omnibus tunc ibidem ad tractandum, ordinandum et faciendum nobiscum, et cum cæteris prælatis, proceribus et aliis incolis regni nostri, qualiter hujusmodi periculis et excogitatis malitiis obviandum. Teste Rege apud Wengeham, 30 die Septembris."

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A summons to parliament not to convocation.

The following seems to have been the origin of this summons to the clergy to attend in parliament—not, be it remembered, in convocation, but in *parliament*. That the assembly to which they were thus first called was a parliament, and not a provincial synod or convocation, no historian has ever for a moment doubted. But for the satisfaction of the numerous writers who have of late confused this meeting with a convocation, and supposed that our present convocations thence derive their origin, it is well to state that this assembly was a parliament in the most emphatic sense of the term. Writs were issued, commanding attendance, to eight earls, forty-one barons, to the sheriffs of all counties (except Chester and Durham), bidding them take measures for the attendance of two knights from their respective shires, and two burgesses from each borough[u]. So little did this meeting resemble a convocation; so undeniably was this assembly a proper parliament.

[u] See Parl. & Counc. of England, p. 58.

The endeavours of K. Edward I. were directed to bring the clergy of England into his *parliaments*, that he might there more easily levy subsidies upon their possessions than he could well hope to do while their aids were granted in their synods. They were these endeavours, and the circumstances surrounding, and the consequences attending upon them, which, it is presumed, must have led to those very serious misapprehensions before[uu] referred to; and thus plainly expressed—"*K. Edward I.*[t] *devised the present lower house of convocation for the purpose of obtaining a taxation of the ecclesiastical property.*" The parliament and the[v] convocation were very different bodies then, as they are now, and as they are likely to remain. If this distinction is kept in view, certainly not a difficult one, the acts of K. Edward I. will appear not to have been directed towards inaugurating a synod, but filling his parliament; not towards remodelling the English convocations, but adding to the civil assemblies such of his subjects as could most liberally contribute towards his needs. And if our eyes are now withdrawn entirely from ecclesiastical matters, and fixed upon secular ones for a brief space, some light may, perhaps, appear on this subject.

[uu] Sup. chap. viii. sec. 21.

[v] Wake's State, p. 464.

[t] Archdeacon Hone's Charge, 1850. See also Bishop of Worcester's and Bishop of S. David's Charges, 1851.

Clergy summoned to the parliaments which met at Northampton and York, A.D. 1283 N.S.

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Towards the end of the year 1282 K. Edward I., being engaged in an expedition against the Welsh, was quartered at Rothelan [w] Castle, in Flintshire. His needs were pressing, and money was with him scarce. Nor were the means which he took to procure it of the most creditable character, for it was about this time that the large sum [x] here collected for a subsidy to the Holy Land, and deposited in sacred places throughout England, was reported to have been pillaged by his order and for his use. The assaults of Lewellin, the Welsh king, and the disturbances which [y] he caused, together with his allies, gave K. Edward I. a pretext for seeking constant supplies from his subjects. In furtherance of these designs he determined to hold two *parliaments*, one at Northampton [z], on the octave of Hilary, *i. e.* Jan. 20, 1283 N.S., and another at York [a]. In these assemblies he desired to unite the clergy and laity together, in order to levy a subsidy on both simultaneously. For this purpose [b] he issued a writ from Rothelan Castle, before mentioned, on the 22nd of Nov., 1282. But the reader is begged here to remember that these proposed parliaments had no more connexion with provincial synods, or, as we now term them, convocations, than the court of the Emperor Constantine with the Council of Nicæa, or the assembly of the imperial legislature of France with a Gallican ecclesiastical synod. The laity were called to the Northampton parliament in the usual way; the clergy of Canterbury were summoned by a writ [c] directed to their archbishop, requiring him to ensure their attendance; but, curiously enough, the clergy and laity north of the Trent [d] were both summoned to attend the parliament at York by the *same* writ [e]. Now it may be instructive, though perhaps not agreeable to those who delight to date the present constitution of our provincial synods from the parliamentary assemblies of K. Edward I., to hear that he did not even now cite to these Northampton and York parliaments, in 1283 N.S., the same clergy as were members of our provincial synods or convocations at that time, and as remain so to this day. In his summons to the parliament at Northampton there is no citation whatever to the archdeacons or to the diocesan [f] proctors to attend, who, as we have seen in the last chapter [g], were members of the

[w] Kennett, Eccl. Syn. p. 135.

[x] Conc. Mag. Brit. ii. 94, citing Reg. Peck. fol. 66, B.

[y] Conc. Mag. Brit. ii. 91.

[z] Conc. Mag. Brit. ii. 91.

[a] Conc. Mag. Brit. ii. 92.

[b] Kennett, Eccl. Syn. p. 135.

[c] Conc. Mag. Brit. ii. 92.

[d] Conc. Mag. Brit. ii. 93.

[e] Conc. Mag. Brit. ii. 93.

[f] Conc. Mag. Brit. ii. 91. & Kennett, Eccl. Syn. p. 135.

[g] p. 238.

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convocation[h], A.D. 1277, under Archbishop Robert Kilwarby, and who were also called to the convocation held three weeks after Easter in this very year (1283), at the New[i] Temple, London—a pure provincial synod, summoned exclusively by ecclesiastical authority, and to a place exempt by ecclesiastical privilege. In his majesty's summons[j] to the York parliament, as in the case of the Northampton one, the archdeacons are not cited, nor is any specific mention made of the diocesan proctors.

[h] Conc. Mag. Brit. ii. 30.
[i] Conc. Mag. Brit. ii. 93.
[j] Conc. Mag. Brit. ii. 92.

Consequently to these parliaments the whole of the constituent members of our provincial synods as existing then, as abiding now, were by no means cited; so untrue is it to attribute to K. Edward I., and to a secular origin, the present constitution of our convocations. He had not yet learnt to imitate and follow their ecclesiastical constitution in his parliamentary summons. It was not till many[k] years after this (A.D. 1295) that he copied the constitution of our Church assemblies, and then, in imitation of what he found long previously established by ecclesiastical usage, he cited the lower clergy by royal authority to appear in his parliaments, in the same manner as they had been previously accustomed to attend in their provincial synods. This, however, will appear in its proper place hereafter, as we prosecute the subject.

[k] Conc. Mag. Brit. ii. 215.

They decline to appear.

The parliaments at Northampton and York were far from gratifying the king's expectations. The laity attended at Northampton in the usual manner. But to the clergy the course taken by the sovereign in calling them to parliament was both "new[l] and surprising. This bringing the lower clergy to attend the parliament was a sort of military force upon them, and they never would have yielded, if they had not been in a manner conquered and subdued by an irresistible[m] power." Nor did they on this occasion yield so far as even to make an appearance. They were unwilling to be thus forced into an attendance upon parliament. Moreover, a parliament called for the avowed intention of extracting money was not likely to hold out any peculiar inducement to them to present themselves; "and[n] therefore the greatest part absented." They had always been in the habit of voting their benevolences in their own ecclesiastical synods, and very naturally a forced parliamentary attendance of this character was as unpalatable as it was unusual.

[l] Kennett, Eccl. Syn. p. 135.
[m] Kennett, Eccl. Syn. p. 275.
[n] Kennett, Eccl. Syn. p. 136.

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So these Northampton and York parliaments, as far as the clergy were concerned, proved an utter failure, and were a considerable stumbling-block in the way of raising the desired supplies. The king, for a time foiled in his new scheme for bringing the clergy into his parliament, was obliged to content himself with such aids as they chose to vote in their proper provincial synods; and which, according to ancient usage, they shortly after proceeded to supply.

Præmunientes clause first originated A.D. 1295.

And thus matters proceeded for some years, until K. Edward I., being again grievously pressed for money, devised another scheme of a new, and as yet unheard of character, for bringing the clergy, not according to their respective provinces, but nationally, to parliament. From this scheme originated the "præmunitory" or "præmunientes" clause in the bishops' summonses to parliament, which is the present object of our investigation. In the year 1295, the twenty-third of K. Edward I., a rebellion among the Welsh[o] again broke out. The armies of Philip, king of France, were successful against K. Edward's troops in Gascony; they took Podensac, Reole, and S. Severe, threatened England with an invasion, and indeed succeeded in gaining a landing and burning[p] Dover. Nor did matters in the north wear a more peaceful aspect. Apprehensions were entertained[q] of a Scottish invasion; and the King of France, not content with his successes in Gascony and in his English campaign, formed an alliance with John Balliol, king of Scotland, in order to compel a diversion of the English forces, and to place K. Edward in a network of complicated difficulties. Under this combination of circumstances large supplies were needed, and a fresh desire on the part of K. Edward I. was aroused of bringing the clergy to parliament, that he might obtain more ample assistance for his needs. His plans for securing their attendance twelve years before at Northampton and York having then failed, he now devised a new scheme, and in the writ directed to each bishop of the realm, calling him to his place in the parliament, the "præmunitory" or "præmunientes" clause was inserted, desiring him to bring also with him to parliament the prior of his cathedral, the archdeacons, a proctor for the chapter of the cathedral, and two proctors for the diocesan clergy.

[o] Hume, c. xiii. p. 144.

[p] Ibid.

[q] Ibid.

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The first occasion on which the constitution of convocation was copied into a parliamentary summons.

And this was the first time that K. Edward I. precisely imitated the constitution of the convocations, when he summoned the lower clergy to his parliament at Westminster[r] in November, A.D. 1295, a summons which they then obeyed. Now surely it would be arguing backwards in a way hardly consistent with chronological accuracy or logical precision, to attribute to his acts in 1295, when summoning a parliament, the original constitution of that convocation which we have seen existing under Archbishop Robert Kilwarby in[s] the provincial Synod of London in 1277, and under Archbishop Peecham in the provincial[t] Synod of the New Temple in 1283.

[r] Conc. Mag. Brit. ii. 215.

[s] Conc. Mag. Brit. ii. 30.

[t] Conc. Mag. Brit. ii. 93.

Convocation and parliament proctors held different offices, and were frequently different persons.

From that time, A.D. 1295, the præmunitory clause became a usual[u] part of the writs summoning the bishops to parliament, and has so remained, not as a matter of form merely, for it was often repeated, and when repeated expressly complied with. Under its injunctions the several chapters "met[v] and deputed one, and the clergy of the diocese two proctors, to appear for them in parliament." The persons so deputed had letters of proxy given to them by those whom they represented. These instruments were exhibited[w] by them on the first day of the session of parliament, or at least on the first day of their appearance there, and "memorandums[x] of them were entered, together with the other proxies, by the clerk of the parliament." During K. Edward I.'s time this clause, whenever issued by the king, had its full effect, the clergy resorting[y] to parliament by virtue of it. But this was totally irrespective of their meeting in their own assemblies, the convocations or provincial synods, whither they were summoned in the usual way by their metropolitans. The parliament proctors thus chosen by the clergy were not usually in that age the same persons as the convocation proctors, and very many instances occurred in subsequent times which manifestly prove the same practice to have prevailed, one set[z] of proctors being elected for convocation, another for parliament. Sometimes indeed the same[a] persons were appointed to serve the two offices, as was the case on one occasion in the Lincoln[b] diocese, at the especial request of the bishop of that see. But then the same persons ap-

[u] Atterb. Rights, p. 236.

[v] Ibid.

[w] Ibid.

[x] Ibid. p. 237.

[y] Kennett, Eccl. Syn. p. 279, quotes Bath Reg. p. 159.

[z] See Att. Rights, Addend. pp. 616—626.

[a] Att. Rights, Addend. p. 621.

[b] Conc. Mag. Brit. ii. 534.

peared in two several capacities. In the convocation they appeared as the chosen presbyters, according to primitive usage, attendant in a spiritual capacity on a provincial synod; in the parliament they appeared as members of the civil state, and as the representatives of their brethren for the dispatch of the business of the realm. Even where the persons elected were identical, the offices they held were as diverse [c] as a parliament and a synod—as the kingdom which is of this world, and that which is not.

A.D. 1279—1500.

[c] Wake's State, p. 464.

The clause constantly executed and obeyed.

The last parliament of K. Edward I., held at Carlisle [d], was very fully attended by these parliament proctors, whose names are recorded [e] even to this day. In K. Edward II.'s time [f] the same practice [g] was continued, the writ being then sometimes executed provincially [h]; and in the reign of his son and successor, K. Edward III., it became universal. Before his days the præmunitory clause was "inserted or left out at the king's pleasure; in his reign it grew a constant and necessary part of the bishops' writ [i]," and was executed by the several diocesans. And it is said [j] that no parliament ever met without it after his sixth year, that is, after the complete settlement of our legislature upon those foundations on which it now stands. The clergy sat in the parliaments, 1 Rich. II., 2 Rich. II., and are often mentioned in the rolls of that reign [k], as well as in the parliamentary rolls of K. Henry IV. [l], and of 6 Henry VI. [ll]

[d] Kennett, Eccl. Syn. p. 282.
[e] Riley's Placita Parl. p. 321, apud Att. Rights, p. 238, & Appendix, No. 12.
[f] Wake's State, p. 266.
[g] Att. Rights, pp. 238. 244.
[h] Conc. Mag. Brit. ii. 408. 506. 557. Wake's State, pp. 261. 274, 275.
[i] Att. Rights, p. 245.
[j] Ibid. 246.
[k] Hody, pp. 420-21.
[l] Hody, p. 424.
[ll] Hody, p. 425.

Indeed, from the twenty-third year of K. Edward I., A.D. 1295, to the reign of K. Henry VII., this clause "had [m] its regular course and influence all along;" and records [5] also

[m] Att. Rights, Addend. p. 615.

[5] Parliament proctors were elected, according to remaining records,

	A.D.		A.D.
In diocese of Exeter	1529	In diocese of Exeter	1554
„ York.....	1536	„ Salisbury	1570
„ Exeter	1538	„ Exeter	1572
„ York.....	1539	„ Salisbury	1584
„ Exeter	1541	„ Peterborough .	1588
„ Exeter	1542	„ Exeter	1614
„ Exeter	1544	„ Exeter	1620
„ London....	1544	„ Lichfield and Coventry..	1623
„ Exeter	1545		
„ Exeter	1547	„ Exeter	1627
„ Exeter	1552	„ Peterborough .	1676
„ Exeter	1553		

Records given in full, in Att. Rights, Addend. pp. 616—626.

A. D. 1279—1500.

remain of its execution, and of the elections of parliament proctors under it (independently of the elections of the convocation proctors), certainly so far down as the latter end of the reign of K. Charles II., A.D. 1676[6]. But this writ is now disregarded, though at the present day regularly issued, and though the bishops are solemnly commanded by the sovereign to require by its execution the presence of the persons named in it at each successive parliament. During those periods of our[n] history, when the sovereign's commands in this respect were duly obeyed, the clergy, thus summoned by the royal writ executed upon them by their respective diocesans, met for the choice[o] of their proxies. The dean or prior held his chapter, and the archdeacons their synods, and the representatives[p] then chosen received their procuratorial letters, giving them authority to act in parliament in the names and on behalf of the electors. These letters were generally "addressed[q] to the king, though sometimes they began with a general application to all persons whom it might concern," but the purport of them was to ordain "their[r] proctors to appear on their behalf in 'PARLIAMENT,' there to treat, with the prelates and great men of the realm, of the things to be debated there for the interest of the king and kingdom, and to consent to what should be agreed to on their behalf, and to engage themselves to stand by what their proctors should do under the caution or forfeiture (many times) of all their goods." Two copies[s] of these letters were delivered to each proctor, one to be kept by himself, the other to be delivered to the clerk of parliament for enrolment.

n Hody, 424—26.

o Wake's State, p. 5.

p Coll. Eccl. Hist. v. 222.

q Ibid.

r Wake's State, p. 6. Coll. Eccl. Hist. v. 222.

s Coll. Eccl. Hist. v. 222.

Sir E. Coke's opinion on this subject.

When Sir Edward Coke treated of this subject, he was misled in some degree by that imposture, the treatise "De[t] Modo tenendi Parliamentum," as members of his profession sometimes have wandered in matters connected with the clergy,—it is to be hoped always from mistake, and never from somewhat more deeply to be deplored. Still his judgment on the main point is much to

t Vid. Att. Rights, p. 367.

[6] Kennett says that returns TO THE CROWN under this writ cannot be shewn to have been made by records lower than the third or fourth year of Q. Elizabeth.—Eccl. Syn. p. 299.—This is only a negative proof, and cited by one somewhat unscrupulous in controversy.

our purpose. He said of the persons elected under this writ, "These [u] are called '*procuratores cleri*,' and many times have appeared in parliament as spiritual assistants to consider, consult, and consent, *ut supra*" (*i.e.* referring to the judges as assistants in the House of Peers), "but never had voices there, because they were no lords of parliament [7]." Consequently, I suppose, the view of that learned judge was, that when elected by the clergy according to the royal command, these parliament proctors should, or at least might attend at the opening of a parliament, in the same way as the judges of England and others [v] learned in law, and should be prepared, at any request made under due authority, to give [w] their advice, counsel, and consent on matters peculiarly connected with their office.

A. D. 1279 —1500.

[u] Pearce on Law of Convocation, quotes 4 Inst. 5.

[v] Att. Rights, p. 382.

[w] See Att. Rights, p. 382.

Due execution of the writ neglected in the present day.

But the discontinuance of the execution of the royal commands by our right reverend fathers in God in this respect, does at the present moment relieve from the necessity of any speculations as to the manner in which the clergy's parliamentary attendance should be given. "The clergy [x] themselves," says Collier, "are thought to have contributed towards the parting with this privilege. It seems they looked on their parliamentary attendance as a kind of burden, and therefore were not unwilling to be disengaged. But whether they were in the right or not is another question."

[x] Coll. Eccl. Hist. v. 223.

If these writs containing the "præmunitory" clause, which always issue at the present time, were duly executed, as the royal commands require, and if the proctors appointed by virtue of them were to make their appearance at the opening of parliament, it would be a delicate and perplexing question for the official mind to decide, as to what places should be assigned for their accommodation. It is, however, somewhat strange that in these days of reality so ancient and unmistakable an element in the British constitution should be disregarded, and that persons so solemnly summoned should never appear. Nor is it agreeable to general practice that the commands of our most gracious sovereign should be in such sort disobeyed.

[7] This view of Sir E. Coke is strongly confirmed by the Irish Statute, 28 Henry VIII. c. 12.

A.D. 1279—1500.

VI. Constitution of the English provincial synods or convocations of this period.

We have now been engaged in considering matters of a secular character—the royal commands contained in the præmunitory clause of the bishops' writs, by which the clergy are called to attend in parliament. And this is, in fact, a matter not bearing directly upon the subject of our inquiry; but inasmuch as it has been confusedly mixed up by many persons with the subject of convocation, it seemed necessary to touch upon it, in order to warn the reader against the mischievous use which has been made of this point, and to unravel any entanglements which on this account might impede the easy prosecution of our proper subject.

It is time, however, to return from civil matters to ecclesiastical ones—from the consideration of questions which emphatically concern the State, to those which lie within the proper functions and jurisdiction of the Church. In the foregoing pages we have carefully traced the origin of the royal writs commanding the archbishops to summon their convocations; we have seen that the "præmunientes" clause inserted in the bishops' writs was intended to call the clergy to parliament, and not to any ecclesiastical assembly; and we have discovered, on the other hand, who were the proper constituent members of pure provincial synods or convocations. It now becomes desirable at this point to give the numbers of the members[y] summoned to the latter assemblies in the respective provinces of Canterbury and York during the period under consideration. The list is placed in a note[8], in order that

[y] Wilkins, Dissert. Epist. pp. xi. et seq.

[8] LIST OF MEMBERS IN THE CANTERBURY PROVINCIAL SYNOD, A.D. 1452.

"Ex Registro Kempe Archiep. Cantuar. fol. 229, et MS. Collegii Corporis Christi Cantabrigiæ vocat. synodalia." Ap. Conc. Mag. Brit. Dissert. Epist. pp. xi et seq.

"Hic inferius describuntur nomina eorum, qui ut ab antiquo debent comparere in convocationibus prælatorum et cleri Cantuar. provinciæ, per singulas diœceses Cantuarensis provinciæ A.MCCCCLII."

Cantuarien.

Canterbury.

Prior ecclesiæ Christi Cant.
Capitulum ejusdem ecclesiæ.
Archidiaconus Cant.
Abbas Sancti Augustini Cant.
Abbas de Feversham.
Abbas Sancti Radegundis.
Abbas de Langedon.
Abbas Sancti Gregorii Cant.
Prior Dovor.
Prior de Folkeston.
Prior de Leedes (al. Ledis).
Prior de Combewell.
Clerus ejusdem diœces.

[*London.*

such an insertion in the text may not disturb the reader by breaking in upon the continuity of the subject before him.

A.D. 1279 —1500.

LIST OF MEMBERS IN THE CANT. PROVINCIAL SYNOD, A.D. 1452—*continued.*

London.

Decanus ecclesiæ S. Pauli London.
Capitulum ejusdem ecclesiæ.
Archidiaconus London.
Abbas monasterii B. Mariæ de gratiis juxta Turrim London.
Prior prioratus S. Trinitatis London.
Prior prioratus S. Barthol. in Smithfielde.
Prior prioratus hospitalis B. Mariæ extra Bishopsgate.
Prior hospital. sive prioratus de Elsinge Spittle.
Magister domus de Acon.
Magister hospital. S. Barthol. in Smithfield.
Magister coll. S. Laurentii Putney London.

London.

In Archidiac. Essex.

Archidiaconus ibidem.
Abbas monasterii B. Mariæ de Stratford.
Abbas monasterii de Byleigh.
Prior de Lees (al. Leghes).
Prior de Pritwell.
Prior de Blackmore.
Prior de Toby.
Prior de Stangate (al. Stainesgate).
Prior de Bicknacre.

In Archidiac. Middles.

Archidiaconus ibidem.
Abbas Westmonasterii.
Abbas monasterii S. Crucis de Waltham.
Abbas monasterii de Tiltey.
Prior de Dunmowe.
Prior de Hatfield Regis.
Prior de Royston.
Prior de Latton.

In Archidiac. Colcestriæ.

Archidiaconus ibidem.
Abbas monasterii S. Johannis Colcest.
Abbas monasterii Sancti Osithæ.
Abbas monasterii de Cockshall (al. Coggeshall).
Abbas monasterii de Walden.
Prior S. Botulphi Colcest.
Abbas de Maldon.
Prior de Colne.
Prior de Armehall (al. Tremhall).
Prior de Hatfield.
*Clerus civitatis London.
Clerus ejusdem diœcesis.

Winton.

Prior ecclesiæ cathedralis Winton.
Capitulum ejusdem ecclesiæ.
Abbas de Hida.
Abbas de Bello Loco regis.
Abbas de Tychefield.
Abbas de Little (al. Letley sive Leto Loco).
Abbas de Quarreia in insula Vecta (al. Quarrera).
Abbas de Waverlee.
Abbas de Bermondsey.
Prior de Southwike.
Prior ecclesiæ Christi de Tyneham (al. Twinham).
Prior de Bromore (al. Brommer).
Prior S. Dionysii juxta Southampton.
Prior de Selborne.
Prior de Merton.
Prior B. Mariæ de Overie in Southwarke.
Prior de Novo Loco juxta Riple.
Prior de Rigate.
Prior de Tanrige.
Archidiac. Winton.

Winchester.

[Archidiac. Surr.

* Four proctors are now elected in this diocese, from whom the bishop selects two.

A.D. 1279—1500.

Canterbury—list of members in that synod.

From a perusal of the note it will appear that the whole provincial Synod or Convocation of Canterbury consisted during this period, A.D. 1452, of the following members, viz.:—

Deans of cathedrals	10
Precentor of S. David's	1
Abbots	140
Priors	144
Masters of collegiate churches, religious houses, &c.	11
Archdeacons	51
Capitular proctors	18
Diocesan proctors	35
	410
Archbishop of Canterbury and suffragans .	17
Total members of the Canterbury provincial Synod according to the records . . .	427

LIST OF MEMBERS IN THE CANT. PROVINCIAL SYNOD, A.D. 1452—*continued.*

	Archidiac. Surr.	Clerus Archidiac. Winton.
	Prior de Motesfonte (al. Montisfont).	Clerus Archidiac. Surr.
	Roffen.	
Rochester.	Prior ecclesiæ cathed. Roffen.	Prior de Tunbridge.
	Capitulum ejusdem ecclesiæ.	Abbas de Lesnes.
	Archidiac. Roffen.	Clerus ejusdem diœcesis.
	Bathon et Wellen.	
Bath and Wells.	Decanus ecclesiæ cathed. Well.	Prior de Taunton.
	Capitulum ejusdem ecclesiæ.	Prior de Monte Acuto.
	Prior ecclesiæ cath. Bath.	Magister hospitalis S. Johannis de Bridgewater.
	Abbas Glaston.	
	Abbas de Kenesham.	Archidiac. Wellen.
	Abbas de Muchilney.	Archidiac. Taunton.
	Abbas de Achelney (al. Athelney).	Archidiac. Bathon.
	Abbas de Clyva.	Abbas Sancti Salvatoris.
	Prior de Bruton.	Clerus ejusdem diœcesis.
	Lincoln.	
Lincoln.	Decanus ecclesiæ Lincoln.	Archidiac. Northampton.
	Capitulum ejusdem ecclesiæ.	Archidiac. Oxon.
	Archidiac. Lincoln.	Archidiac. Huntingdon.
		[Archidiac. Leicest.

A.D. 1279 —1500.

It will be observed that no members from the diocese of Llandaff are included, for what reason does not appear. To

LIST OF MEMBERS IN THE CANT. PROVINCIAL SYNOD, A.D. 1452—*continued.*

Archidiac. Leicest.
Archidiac. Bedford.
Archidiac. Stowe.
Archidiac. Buckingham.

In Archidiac. Lincoln.

Abbas de Kyrkestede.
Abbas de Remesby (al. Revesby).
Abbas de Parro Lude.
Abbas de Villa Dei (al. Valle Dei).
Abbas de Newhouse.
Abbas de Hagubye (al. Hagneby).
Abbas de Tuppholme.
Abbas de Newbo.
Abbas de Croyland.
Abbas de Bardney.
Abbas de Humbreston.
Abbas de Thornton.
Abbas de Welhowe.
Abbas de Brunne.
Prior de Sompingham.
Prior de Bulington.
Prior de Sickhill (al. Syxyll.).
Prior de Ormesby (al. Mimormesby).
Prior de Alingham.
Prior S. Katharinæ extra Lincoln.
Prior de Haverholme.
Prior de Cattley.
Prior de Novo Loco (al. Newsted).
Prior de Belvero.
Prior de Spaldinge.
Prior S. Leonardi juxta Stamford.
Prior de Keme (al. Kyme).
Prior de Markby.
Prior de Elshull.
Prior de Parro Notton.
Prior de Novo Loco juxta Stamford (al. Newsted).

In Archidiac. Northampt.

Abbas de Pypwell.
Abbas de Sulby.
Abbas de Burgo S. Petri.
Abbas S. Jacobi juxta Northampt.
Prior S. Andreæ Northam.
Prior de Luffield.
Prior de Daventry.
Prior de Chancombe (al. Chacum).
Prior de Asheby canonicorum.
Prior de Fynnestede.

In Archidiac. Oxon.

Abbas de Thama.
Abbas de Bruera (al. Bruern).
Abbas de Regali Loco juxta Oxon.
Abbas de Eynesham.
Abbas de Oseney.
Abbas de Dorchester.
Prior Sanctæ Fridiswidæ.
Prior de Burcestr.
Prior de Wroxton.
Prior de Calverton.

In Archidiac. Buckingham.

Abbas de Bitlesden.
Abbas de Medmenham.
Abbas de Lavenden.
Abbas de Netle (al. Noteley).
Abbas de Mussenden (al. Missenden).
Prior de Tykeforde.
Prior de Ravenstone.
Prior de Chetwell.
Prior de Newport.
Prior de Snelshall.

In Archidiac. Huntingdon.

Abbas Sancti Albani.
Abbas de Saltreia (al. Swatre).
Abbas de Ramesey.
Prior de Hertford.
Prior de Sancto Neoto.
Prior canonicorum Hunting.
Prior de Wilmundely.
Prior de Stonley.
Rector de Ashrugge.

[*In Archidiac. Leicestr.*

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the number of suffragan bishops, therefore, I must be added on that account; and allowing that this diocese supplied the

LIST OF MEMBERS IN THE CANT. PROVINCIAL SYNOD, A.D. 1452 – *continued.*

In Archidiac. Leicestr.

Abbas de Garwedon (al. Garadon).	Prior de Landa.
Abbas de Croxton.	Prior de Kyrkby.
Abbas Mariæ de Prat Leicestr.	Prior de Ulvescroft.
Abbas de Oeslneston (al. Olveston).	Magister de Burton Sancti Lazari.

In Archidiac. Bedford.

Abbas de Warden.	Prior de Newenham.
Abbas de Wonborne (al. Woborne).	Prior de Caldwell.
Prior de Chicksounde (al. Chicksand).	Prior de Dunstable.
Prior de Bello Loco.	Prior de Byssemede (al. Bushmede).

In Archidiac. Stowe.

Abbas de Barlinge.	Prior de Torkseye.
Prior de Thorneholme.	

Elien.

Ely.	Prior Elien.	Prior de Barnewel.
	Capitulum ejusdem ecclesiæ.	Prior de Anglesey.
	Archidiac. Elien.	Clerus ejusdem diœcesis.
	Abbas de Thornesey (al. Thorney).	

Norwic.

Norwich.	Prior ecclesiæ cathedr. Norwic.	Prior Sanctæ Fidis de Horsham.
	Capitulum ejusdem ecclesiæ.	Prior de Pentney.
	Archidiac. Norwic.	Prior de Bynham (forte Burnham).
	Archidiac. Norfolc.	Prior de Castleacre.
	Archidiac. Sudbury.	Prior de Westacre.
	Archidiac. Suffolc.	Abbas de Longley.
	Abbas Sancti Edmundi.	Abbas de Westderham.
	Abbas Sancti Benedicti.	Prior de Ixworthe (al. Cokkesforth).
	Abbas de Sybeton.	Prior de Ely.
	Abbas de Leyston (forte Beeston).	Prior de Thetforde.
	Abbas Wymundham.	Decanus coll. de Stoke.
	Prior de Buttley.	Clerus ejusdem diœcesis.
	Prior de Walsingham.	Clerus archidiac. Suff. et Sudbury.
	Prior de Bromeholme.	

Exon.

Exeter.	Decanus ecclesiæ cathedr. Exon.	Abbas de Nyweham.
	Capitulum ejusdem ecclesiæ.	Abbas de Dunkewell (al. Dunkeswell).
	Archidiaconus Exon.	Abbas de Buckland.
	Archidiaconus Totton.	Prior de Plympton.
	Archidiac. Barn.	Prior de Launceston.
	Archidiac. Cornubiæ.	Prior Sancti Germani.
	Abbas de Tavestock.	Prior de Bodmyne.
	Abbas de Herlonde (al. Hurtlande).	Prior de Fuchelstock (al. Frethilstoke).
	Abbas de Torre.	Prior de Totton.
	Abbas de Bucksester (al. Buckfaste).	Clerus ejusdem diœcesis.
	Abbas de Forda.	

[*Sarum.*

same number of inferior members to the synod as Bangor, viz. 12, we shall have a gross total of exactly 440. It will

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LIST OF MEMBERS IN THE CANT. PROVINCIAL SYNOD, A.D. 1452—*continued.*

	Sarum.	
Decanus ecclesiæ cathedr.	Abbas de Redinge.	Salisbury.
Capitulum ejusdem ecclesiæ.	Abbas de Malmesbury.	
Archidiac. Dorset.	Abbas de Stanley.	
Archidiac. Barkshire.	Prior de Wallingford.	
Archidiac. Sarum.	Prior de Bristlesham (al. Bustlesham).	
Archidiac. Wiltshire.	Prior de Hurley.	
Abbas de Middleton.	Prior de Farleighe.	
Abbas de Cerne.	Prior de Ederose.	
Abbas de Sherborne.	Rector ecclesiæ conventualis de Eding-	
Abbas de Abbotesbury.	don.	
Abbas de Abbendon.	Clerus ejusdem diœcesis.	
	Coven. et Lich.	
Prior ecclesiæ cathed. Covent.	Abbas de Cundermere (al. Cumbremere).	Lichfield and Coventry.
Capitulum ejusdem ecclesiæ.	Abbas de Roucester (al. Rowceter).	
Decanus ecclesiæ cath. Lich.	Abbas de Dien Loucres (al. De-la-cres).	
Capitulum ejusdem ecclesiæ.	Abbas de Heighmonde.	
Archidiac. Coventr.	Abbas de Littleshal.	
Archidiac. Derb.	Abbas de Hilton.	
Archidiac. Stafford.	Abbas de Cumba.	
Archidiac. Cestr.	Abbas de Myra Valle (al. Merywall).	
Archidiac. Salop.	Abbas de Stonley.	
Abbas Cestr.	Abbas de Dala.	
Abbas Salop.	Abbas de Bello Capite.	
Abbas de Burton super Trent.	Prior de Kenylworthe.	
Abbas de Derley.	Prior de Tattebury.	
Abbas de Whalley.	Prior de Stone.	
Abbas de Valle Regali.	Clerus ejusdem diœcesis.	
	Wigornien.	
Prior ecclesiæ cath. Wigorn.	Abbas de Winchcombe.	Worcester.
Capitulum ejusdem ecclesiæ.	Abbas Sancti Augustini Bristol.	
Archidiac. Wigorn.	Abbas de Hailes.	
Archidiac. Gloucestr.	Prior de Stedeley.	
Abbas de Evesham.	Prior majoris Malverne.	
Abbas de Pershore.	Prior minoris Malverne.	
Abbas de Bordesley.	Prior de Lanthonye.	
Abbas de Hailes Owen.	Prior de Dirhurst.	
Abbas de Alyncestr.	Decanus ecclesiæ collegiatæ de War-	
Abbas monasterii S. Petri Glouc.	wick.	
Abbas de Tewkesbury.	Abbas de Kingeswode.	
Abbas de Cirencestr.	Clerus ejusdem diœcesis.	
	Cicestren.	
Decanus ecclesiæ cathedr. Cicestren.	Archidiac. Cicestr.	Chichester.
Capitulum ejusdem ecclesiæ.	Archidiac. Lewen.	
	[Abbas de Bello.	

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also occur to the reader that the sees of Oxford, Peterborough, Gloucester, and Bristol were not[z] as yet founded. The two former were then included in the diocese of Lincoln, the two latter in that of Worcester.

[z] See Jebb on the Choral Service, p. 74.

York—list of members in that synod.

The provincial Synod or Convocation of York during this period, A.D. 1424, consisted of the

LIST OF MEMBERS IN THE CANT. PROVINCIAL SYNOD, A.D. 1452—*continued.*

Abbas de Bello.	Prior de Sela.
Abbas de Bigham.	Prior de Michilham.
Abbas de Ponte Roberti (al. Robertsbridge).	Prior de Hastinges.
Abbas de Durford.	Prior de Boxgrave.
Abbas de Quawe.	Prior de Tortington.
Prior de Lewes.	Clerus ejusdem diœcesis.

Hereford.

Hereford.	Decanus ecclesiæ cathed. Hereford.	Prior de Monmouthe.
	Capitulum ecclesiæ cathed.	Prior de Wormesley.
	Archidiaconus Hereford.	Prior de Liomystr (al. Leominstre).
	Archidiac. Salopiensis.	Prior de Bromfield.
	Abbas de Flaxlex.	Prior de Chuberie.
	Abbas de Dora.	Prior de Wenlake.
	Abbas de Wigmore.	Clerus ejusdem diœcesis.
	Prior Hereforde.	

Meneven.

S. David's.	Præcentor ecclesiæ Meneven.	Abbas de Talley.
	Capitulum ejusdem.	Abbas de Combire.
	Archidiac. Meneven.	Abbas de Kermerden.
	Archidiac. de Kermarden.	Prior de Haverforde.
	Archidiac. de Brechon.	Prior de Pulla.
	Archidiac. Cardigan.	Prior de Brechon.
	Abbas Sancti Dogimælis.	Prior de Langthonia Prima.
	Abbas de Alba Landa (al. Whiteland).	Clerus ejusdem diœcesis.
	Abbas de Strata Florida.	

Assaven.

S. Asaph.	Decanus ecclesiæ Assaven.	Abbas de Bassinghworke.
	Capitulum ejusdem ecclesiæ.	Abbas de Strata Marcella.
	Archidiac. Assaven.	Clerus ejusdem diœcesis.
	Abbas monasterii de Conway.	

Bangor.

Bangor.	Decanus ecclesiæ cathed. Bangor.	Præpositus castri Tubii (al. castro Cubii).
	Capitulum ejusdem ecclesiæ.	Abbas de Bardesia.
	Archidiac. Bangor.	Prior de Perimon (al. Penmon).
	Archidiac. Anglesey.	Prior de Bethkelerth (al. Bethkylherte).
	Archidiac. de Meryoneth. [vaur.)	Clerus ejusdem diœcesis.
	Præpositus de Clannock (al. Clunock-	

following members, as may be seen by consulting the note[9]— A.D. 1279 —1500.

Archbishop of York	1
Bishop of Durham	1
Bishop of Carlisle	1
Dean of York	1
Carried over . .	4

[9] LIST OF MEMBERS IN THE YORK PROVINCIAL SYNOD, A.D. 1424.

"Nomina in convocationem cleri Ebor. provinciæ vocandorum A.D. MCCCCXXIV.—Ex Regist. Dec. et Capit. sede vacante, fol. 361." Apud Conc. Mag. Brit. Diss. Epist. pp. xv et seq.

Dom Archiepiscopus Ebor.
Dom Episcopus Dunelm.
Dom Episcopus Carliol.
Decanus ecclesiæ Ebor.
Archidiac. Richmond.
Archidiac. Ebor.
Archid. East riding.
Archid. Cleaveland.
Archid. Nottingham.
Capitulum ecclesiæ Ebor.
Capitulum Beverl.
Capitulum Rypone.
Capitulum Southwell.
Capitulum Howden.
Præposit. Beverlac.

Abbas monasterii B. Mariæ Ebor.
Abb. de Selby.
Abb. de Sallay.
Abb. de Rupe.
Abb. de Kirkstall.
Prior S. Oswaldi.
Prior de Boston in Craven.
Prior de Monkbretton.
Prior de Drax.
Prior de Pontefract.
Prior de Helag's Park.
Prior S. Trinitat. Ebor.
Prior S. Andreæ juxta Ebor.
Officialis Archidiac. Ebor.
Procuratores cleri ejusdem.

Eastrideing.

Abbas de Melsa.
Prior de Bridlington.
Prior de Kirkham.
Prior de Watton.
Prior de Wartre.
Prior de Ferriby.

Prior de Hanton Price.
Pr. de Ellerton.
Pr. Carth. juxta H.
Officialis Archidiac. East-riding.
Procuratores cleri ejusdem.

Cleaveland.

Abbas de Whitby.
Abb. de Bellalanda.
Abb. de Rievall.
Prior de Gisburn.
Pr. de Newburgh.

Pr. de Malton.
Pr. de Morton.
Officialis Archidiac. Cleaveland.
Procuratores cleri ejusdem.

Nottingham.

Abbas de Welbeck.
Abb. de Rufford.
Prior de Thurgarton.
Pr. de Wirksopp.
Pr. de Newstede.

Pr. de Shelforde.
Pr. de Lenton.
Officialis Archidiac. Nottingham.
Procuratores cleri ejusdem.

Richmond.

Abbas de Torneys.
Abb. de Fontibus.

Abb. de Jorevall.
Abb. S. Agathæ.
[Abb. de Coverham.

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Brought over	4
Abbots	20
Priors	29
Master of Beverley, Minister of S. Robert, and Guardian of spiritualties at Howden	3
Archdeacons	7
Masters' and Archdeacons' officials	9
Capitular proctors (York 2)	6
Clergy proctors: 4 for Durham, 2 for Carlisle, 2 for Howden, 2 for each York archdeaconry	18
	96

[a] Jebb on the Choral Service, p. 74.

The see of Chester was not[a] founded until the time of K. Henry VIII. Those of Ripon and Manchester, as is well known, are of still later date.

VII. General remarks on the foregoing lists.

Such appear to have been the members of the two provincial Synods of Canterbury and York during the period now before us. And it may be fairly concluded that these, and these only, were the ordinary members of such assemblies. For though certainly we find on some occasions that "præcentors[b] chancellors and treasurers," and on another that "præpositi[c] and archipresbyteri" are mentioned, yet, as to the first, they are exceptional instances, and in the latter case the "præpositi" may fairly be construed to mean the masters of religious houses, some of whom, we have seen in the foregoing lists, were specially summoned. The "archipresbyteri" probably signified the deans of collegiate or other churches, for the dean, or person who had the executive authority of a church

[b] Conc. Mag. Brit. ii. 219—92.

[c] Conc. Mag. Brit. ii. 312.

LIST OF MEMBERS IN THE YORK PROVINCIAL SYNOD, A.D. 1424—*continued.*

Abb. de Coverham.
Abb. de Egleston.
Abb. de Cockersand.
Minister S. Roberti.
Pr. de Cartmell.
Officialis Archidiac. Richmond.
Procuratores cleri ejusdem.
Officiales præpositi Beverlac.
Custos spiritualit. de Howden et de Howdenshire.
Procuratores cleri ejusdem.
Prior ecclesiæ Dunelm.
Procuratores cleri ejusdem.
Archidiaconus Northumberland.
Officialis ejusdem.
Procuratores cleri ejusdem.
Prior ecclesiæ Karliol.
Archidiac. Karliolen.
Officialis ejusdem.
Procuratores cleri ejusdem.
Abbas de Holme Cultrum.
Abbas de Shap.
Prior de Lenercost.

in his hands, was frequently[d] styled archipresbyter in ecclesiastical language. The assumption that rural deans, sometimes called "archipresbyteri," were proper members of our provincial synods, as has been supposed, would scarcely be warranted by the evidence; and the absence of all mention of them in the records above quoted would seem to be conclusive on the point against their claim to a place in such assemblies.

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[d] Jebb on the Choral Service, p. 39.

On the occasion of the meeting of the provincial synod at the New Temple[e], London, A.D. 1307, only one proctor for each of the Welsh dioceses was summoned. But this must also be looked upon as an exceptional case. It may also be remarked, while we are on the subject of clergy proctors, that their expenses were usually defrayed by those whom they represented; though sometimes, as in the case of the writ summoning the convocation to S. Paul's, A.D. 1408, the election of such persons was recommended as could afford to attend at their own charges.

[e] Conc. Mag. Brit. ii. 292.

The number of the members of our provincial synods was of course greatly reduced below that detailed in the preceding lists after the unjust and sacrilegious pillage and destruction of the abbeys and monasteries by K. Henry VIII. and his infamous courtiers, imitators of his pilfering propensities and well nigh his equals in crime—

"..... Nec[f] fas nec vincula juris
Hoc audere vetant .....
... Facinus quos inquinat, æquat."

[f] Luc. Phars. v. 288—90.

But a comparison of the numbers of which our provincial synods were composed at this period, and to which they were reduced by those unjust and sacrilegious outrages, may be made by reference to the foregoing lists, as contrasted with the lists of the members of convocation summoned during a future period of our inquiry, and hereafter inserted in their proper[g] place.

[g] See chap. xi. infra, sec. xviii.

VIII. Form of holding provincial synods during this period.

The form of holding a provincial synod at this time was, it may without doubt be presumed, generally similar to that which obtained during the last period of our inquiry; and on that subject the reader may be referred to the foregoing chapter[gg].

[gg] Chap. vii. sec. 22.

Canterbury.

Some circumstances, however, connected with the provincial[h] Synod of S. Paul's, A.D. 1309, in

[h] Conc. Mag. Brit. ii. 304. 311, 312.

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which the questions connected with the alleged heresies and misbehaviour of the Knights Templars were discussed, may not perhaps prove uninteresting, as throwing some light on the ceremonial observed on such occasions. On the morning of the day on which the synod was to be held Archbishop Winchelsey at early dawn[1] attended the private communion at Lambeth Palace: after which he proceeded on horseback to S. Paul's, passing by Southwark over London Bridge, and so through the city. When the archbishop, bishops, and other prelates had taken their places, habited in their sacred vestments and choir copes[1], the archbishop stood up in the Bishop of London's throne, the other members remaining near the high altar. One of the suffragans, the Bishop of Norwich, then celebrated the communion office "de Spiritu Sancto;" and towards its conclusion, but before the singing of the "Agnus Dei," he pronounced over the people a solemn benediction, by the especial permission of the archbishop. At the end of the office the archbishop also pronounced his benediction; and after this solemnity was concluded, while sitting in a chair before the high altar, he preached a sermon upon this text: "Take heed therefore unto yourselves, and to all the flock, over the which the Holy Ghost hath made you overseers, to feed the Church of God, which he hath purchased with his own blood[j]." No more business was transacted in that session, but the assembly was continued to the following day. On the second day of the synod the forms of citation were read, the Bishop of London's return as to the execution of the citation was made, the excuses of absentees were put in, and the king's deputies appeared, producing an inhibition, couched in the barbarous language which defaces the state papers of that day, and forbidding the transaction of any business which might tend to the prejudice of the crown, the injury of the subject, or the disturbance of the tranquillity of the realm. On the following days the ordinary affairs of a synod were transacted, such as the presentments of gravamina by the representatives of the Church; and that particular business was also taken in hand for which the meeting was specially called, namely, an inquiry into the practices of the Templars, against whom accusations of shocking conduct were made. Whether the charges were false,

[1] Conc. Mag. Brit. ii. 312.

[j] Acts xx. 28.

[1] "Cappâ chori indutis."—Conc. Mag. Brit. ii. 312.

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and were instituted with a view of sequestering their property, this is not the place to inquire. But of the character of the accusations made, we may take as an example an awful practice said to accompany initiation into their body, of spitting upon the cross of Christ.

York.

The ceremonial in the York province at this time seems to have been much of the same character. On the occasion of the provincial synod held there, A.D. 1310, the archbishop[k] appeared with his suffragans habited in their pontifical vestments, and took his place in the archiepiscopal chair. The abbots of S. Mary's, York, and of Selby wore their mitres, the priors and masters of foundations their proper ecclesiastical attire. At the opening of the synod the communion office "de Spiritu Sancto" was celebrated, after which the archbishop, having taken his place at the high altar, first preached a sermon, and then proposed to the assembly the articles to be treated of and concluded upon in the assembly. The certificates of the execution of the citation having been returned, the excuses of absentees put in, and other formal matters transacted, the synod was continued to the following day, and ordered to meet in the chapter-house of S. Peter's, York. The acts of this provincial synod, which were like that of the provincial Synod of London held in the previous year, were directed chiefly against the Templars. The sessions were extended over eleven days, and were held in the chapter-house, but no further peculiarity respecting the ceremonial observed appears specially deserving of notice.

[k] Conc. Mag. Brit. ii. 397.

The absence of the Archbishop of York himself, as well as of his suffragans, at the assembling of his provincial synods, has of late years become usual. Such a practice has not a primitive appearance at first view, nor indeed is it in conformity with the examples of the apostolic age and the early Christian Church. The reason of this absence, at least as far as regards the metropolitan himself, seems to have arisen from his attendance on the parliament in London, usually meeting about the same time with his synod. This reason we find given[2] in so[l] many words for the appointment of com-

[l] Conc. Mag. Brit. iv. 444.

[2] "Commissio . . . . constituens eos præsides synodi, eo quod archiepiscopus parliamento 9 die Feb. convocato interesse debebat."—Conc. Mag. Brit. iv. 444.

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missioners to sit in his place in the provincial Synod of York, Feb. 10, 1610, N.S., by Tobias Matthews, then archbishop. But whether a metropolitan's duties in parliament should always supersede his obligations to his province and to the Church is a question which might supply matter for grave consideration.

IX. Of the separations of the provincial synods into upper and lower houses.

In the primitive Church the members of provincial synods met in one body, and so transacted whatever business was brought before them for settlement. In the British and Anglo-Saxon times of our own Church the same method prevailed; and no difference in that respect seems to have been introduced until we arrive at that period of our history which we are now considering. But a practice then set on foot grew by degrees into that constant usage which now obtains, viz. for the archbishop and bishops, after the first opening of a convocation, to sit in deliberation by themselves, and for the second order of the priesthood to withdraw into a separate place for their consultations. These two bodies, though collectively constituting the provincial synod, are denominated the upper and lower houses of convocation in the respective provinces. How this practice, peculiar to England, and unauthorized by the example of other branches of the Church Catholic, arose it may be interesting to inquire.

Canterbury.

These separations seem to have arisen gradually [m], and first to have been commenced from motives of convenience, and as peculiar occasions required. While our archbishops, bishops, and lower clergy were in the habit of debating together according to primitive practice, we find, from time to time, that they retired for separate consultation upon two [n] accounts; 1st, when, as in the year 1376, the archbishop on two occasions thought it necessary to consult with his suffragans in secret [o], all other persons being excluded [3]; and 2ndly, when any peculiar business was referred [p] by the president and bishops to the particular consideration of the lower members of the assembly. Of this separation of the prelates from the second order of the ministry very early traces may be found. Even during the last period

[m] Syn. Ang. p. 79.

[n] Ibid.

[o] Ibid.

[p] Ibid.

[3] "Dominus cum confratribus suis, exclusis omnibus aliis personis, secretè deliberavit."—Syn. Ang. p. 79.

of our inquiry, in the reign of K. Stephen, on the occasion of the legatine Synod of Winchester[q] under Henry, the king's brother, the bishops went apart[r] first and held a secret deliberation, and afterwards the archdeacons[s] by themselves were called aside for the same purpose. But it was at a much later period that such separations became common; and they may be fairly considered to have arisen during the period now before us. And though they were by no means constantly practised after their first introduction, yet they gradually became more and more general, until at last they were adopted as the universal habit.

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[q] Conc. Mag. Brit. i. 420.
[r] Conc. Mag. Brit. i. 420.
[s] Conc. Mag. Brit. i. 420.

The separations arose by degrees.

During the sessions of the provincial synod held at S. Paul's[t], London, A.D. 1370 N.S., Archbishop Wittlesey twice desired the clergy to withdraw into a different part[u] of the church for separate deliberation; and beginning from this date we may trace, in the subsequent accounts of our convocations, the gradual growth of this practice until it passed into the present usage. On two occasions, six years after[v], A.D. 1376, as was[w] before remarked, the archbishops and bishops retired to consult by themselves. Again, after a lapse of three years more, in the second year of K. Richard II., A.D. 1379[4], at the convocation held in S. Paul's[x], Archbishop Sudbury desired[y] the proxies of prelates and the proctors of the clergy to leave the chapter-house, in which the deliberations took place, in order that the metropolitan with his suffragans might treat together in secret. And from this date separations became continually more frequent.

[t] Conc. Mag. Brit. iii. 82.
[u] Syn. Ang. p. 80.
[v] Syn. Ang. p. 79.
[w] Vid. sup. p. 294.
[x] Conc. Mag. Brit. iii. 141.
[y] Hody, p. 229, and Syn. Ang. p. 80.

The place, moreover, to which the "lower house" (so denominated in later times because the inferior clergy frequently retired to a room under the chapter-house of S. Paul's) betook themselves "was[z] not the same from the beginning, but was settled by degrees." Thus in the convocation of 1370 N.S., the synod then sitting in S. Paul's Cathedral, the clergy were desired to withdraw to some distinct[a] part of the building, though none was particularly specified. Twelve years afterwards, A.D. 1382, the place was again left to their own choice, the lower clergy being desired to meet in some convenient[b] place. In the next year they were ordered[c] to withdraw to

[z] Syn. Ang. p. 80.
[a] Syn. Ang. p. 80.
[b] Syn. Ang. p. 81.
[c] Syn. Ang. p. 81.

[4] The date in Hody is here wrong.

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some place customary for such business. However, in the year 1384 they deliberated in the school-room situated in the crypt under the cathedral; and eleven years afterwards, A.D. 1395 N.S., they retired to[d] the room under the chapter-house of S. Paul's. Four years subsequently, A.D. 1399, the first year of K. Henry IV., in the provincial synod held at[e] S. Paul's, Archbishop Thomas Arundel and the bishops treated[f] by themselves on ecclesiastical affairs, the *prelates below the episcopal rank* and the proctors retiring apart for the same purpose; but on this occasion we are not informed as to the place where the latter met. Again, in 1402, we find the lower clergy retiring on two occasions[g], once for the choice of a committee, to the room below S. Paul's chapter-house. In 1404 they[h] retired to the same place. At the convocation held at S. Paul's[i], London, A.D. 1406, Archbishop Thomas Arundel and his suffragans met in the chapter-house, the clergy again going[5] by themselves into the room under that building. And as this separation is here said to be according to the *accustomed*[5] *manner*, we may gather not only that such separations were now usual, but that the customary place to which they retired was the room before mentioned. That room it appears was a divinity school, because at the convocation[j] held under Archbishop Thomas Arundel, A.D. 1408, when the clergy separated from the bishops, they are said to have met in the schools[6] of theology under S. Paul's chapter-house. This had indeed evidently become at this date their regular place of assembly whenever a separation was considered desirable; and during the several sessions of this convocation the division into upper and lower houses appears to have been continued throughout. Thus grew up this practice by degrees until it became a constant habit. In 1419 the clergy were[k] directed to retire to their "accustomed house," and two years afterwards (1421) to the "lower house," under which term simply[7] we find their place of assembly mentioned in many

[d] Syn. Ang. p. 81.
[e] Conc. Mag. Brit. iii. 238.
[f] Conc. Mag. Brit. iii. 239.
[g] Syn. Ang. p. 81.
[h] Syn. Ang. p. 81.
[i] Conc. Mag. Brit. iii. 284.
[j] Conc. Mag. Brit. iii. 306.
[k] Syn. Ang. p. 81.

[5] "In domo capitulari archiepiscopus et sui suffraganei, procuratoribus cleri seorsum separatis et convenientibus in basso sub domo capitulari more solito," &c. —Conc. Mag. Brit. iii. 284.

[6] "In Scholis Theologiæ sub domo capitulari præfatâ."—Conc. Mag. Brit. iii. 303.

[7] "Quod recederent de domo capitulari et adirent domum inferiorem."—Syn. Ang. p. 81.

succeeding convocations[l], and whither they now appear to have betaken themselves by regular usage[s].

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[l] Syn. Ang. p. 81.

The places of meeting originally at S. Paul's.

It is thus plain that at this period the upper and lower houses of the Convocation of Canterbury met usually in the chapter-house and divinity schools of S. Paul's Cathedral respectively. It was not till a later date that their sessions were removed to Westminster. It is true that an attempt was made to compel the assembly of a national synod at Westminster by K. Edward I., A.D. 1294; and another to compel the assembly of a provincial synod at the same place by his successor, K. Edward II., A.D. 1314. The result, however, of these attempts we have seen above[ll]. But, with these exceptions, no ecclesiastical assemblies appear to have been convened at Westminster during the period now before us. S. Paul's was the usual scene of those meetings.

[ll] Vid. sup. pp. 262. 764.

Change to Westminster.

The regular practice of meeting for deliberation at Westminster seems to have been begun in the year 1519, when Wolsey, as legate, convened there a national synod[m] of bishops. After that time it became common for synodical deliberations to take place there. For a York provincial Synod[n] convened in 1523, a national synod[o] under Wolsey, as legate, in the same year, and two provincial synods[p] of Canterbury, under Archbishop Warham, in the years 1531 and 1532 respectively, were all held at Westminster.

[m] Conc. Mag. Brit. iii. 661, and see 682.
[n] Conc. Mag. Brit. iii. 698.
[o] Conc. Mag. Brit. iii. 700.
[p] Conc. Mag. Brit. iii. 746—48.

It is reasonable to suppose that this change in the place of meeting was consequent on the arrogant conduct of Wolsey, who, as Archbishop of York, was inferior to Warham as Archbishop of Canterbury, but, as legate, affected a superiority over him. When therefore the former desired to convene a national synod of bishops in 1519, he considered Westminster, a place exempt from ordinary authority, as more convenient for his purpose than S. Paul's, or any other spot immediately subject to the metropolitan see of Canterbury. Again in 1523 the same reasons probably weighed with him, when he brought his own convocation to the same place, and finally succeeded in convening there a complete national

[s] "Pater decrevit eandem publicè legi in domo inferiori, ubi clerus dictæ convocationis *tempore ab antiquo* solebat suam communicationem exercere et habere." —Conc. Mag. Brit. iii. 577, ad an. 1460.

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synod. And as Westminster was convenient for such purposes—the chapter-house being more commodious[q] than that of S. Paul's for the upper house, and a room within the precincts being found suitable for the lower—the practice of meeting there became common. Indeed, the famous convocation which assembled at S. Paul's[r] in 1530, and subsequently granted the title of "*supreme head as far as the law of Christ permits*" to K. Henry VIII., was prorogued to the chapter-house at Westminster in a manner similar to the practice prevailing at this day; the formal opening of the Canterbury provincial Synod now being celebrated in S. Paul's Cathedral, the subsequent deliberations taking place in the Jerusalem Chamber, Westminster Abbey.

The Westminster protest.

It may also be remarked, that on the occasion when Archbishop Warham continued this provincial synod to Westminster in 1530, the Abbot of Westminster, on bent knees[s], put in a protest that the assembly's meeting, in that place exempt from ordinary authority, should not be drawn into any precedent prejudicial to the rights and privileges of the abbey;—a protest which was again exhibited on the next occasion[t] of the meeting of the Canterbury provincial Synod in the same place in the following year, and which it has been the custom to repeat even to this day.

To speak generally, S. Paul's appears to have been, at any rate up to the beginning of the sixteenth century, the place for the transaction of ecclesiastical affairs, and Westminster the place for the transaction of secular business. The upper and lower houses of the Canterbury Convocation, as remarked above, usually met respectively in the chapter-house and divinity schools of S. Paul's Cathedral. The upper and lower houses of the imperial parliament usually met in the "painted chamber[u]" at the palace of Westminster: the lower house retiring for their deliberations to the refectory[v] of Westminster Abbey. And this was their ordinary place of meeting till 1547[w], when K. Edward VI. granted the chapel of S. Stephen's, Westminster, for their use. The places for assembling the convocations were destroyed by the fire of London, and have never been restored in sufficient magnitude for the repetition of such a purpose. The ancient places of assembly for the temporal legislature, on the other hand, having witnessed

[q] Conc. Mag. Brit. iii. 754.

[r] Conc. Mag. Brit. iii. 724. 742. 746.

[s] Conc. Mag. Brit. iii. 724.

[t] Conc. Mag. Brit. iii. 746.

[u] Parry's Parliaments and Councils of England, Introd. xlii.

[v] Ibid. and Conc. Mag. Brit. iii. 483.

[w] Parry's Parl. and Councils of England, Introd. xlii.

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many changes, have now been adorned with new buildings of a most august character. These are embellished with gorgeous ornaments, and invested with those circumstances of solemn splendour which well become the high purposes for which the edifice is designed. But all this, it must be confessed, tends to increase the whimsical contrast sometimes existing between the solid magnificence of the structure and those feeble essays in political science of which it not unfrequently becomes the scene. A question too may arise, whether so lavish an expenditure for these purposes, drawn from the public burdens, when compared with our national parsimony exhibited in every case where the glory of God or the propagation of the faith is concerned, might not lead some to the belief, that this generation was more deeply concerned for the things of this world, than for those of the next. But this by way of query only.

From the foregoing particulars it may be gathered that at first it was the habit for all the members of the Canterbury Synod to meet together in the chapter-house of S. Paul's for debate; that by degrees rare separations into two houses took place, according to the requirements of the occasion; and that eventually there ensued a regular "separation[x] as to the place of debate, the union and communication in other respects remaining entire, and the correspondence about the business of the synod continuing." And about the middle of the fifteenth century, in the words of Bishop Gibson, the clergy were "not[y] *directed* to retire, as they had usually been, to debate apart about the matter of convocation laid before them by the archbishop, because now they began, as to their debating, to be in a more separate state, so that the bare proposition of business, to be prepared or considered, was notice enough that they were to retire to their usual place and set about it."

[x] Syn. Ang. p. 83.

[y] Syn. Ang. p. 91.

York. Separation into two houses.

It is quite clear that as early as the year 1426, but most probably before that time, the province of York had followed in the foregoing respect the example of Canterbury. In the convocation begun in that year, in the chapter-house of York Cathedral, we find the members of the synod separated into two houses. This convocation was continued through several sessions

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sometimes sitting in the chapter-house, sometimes in the "new schools" of the cathedral. On some occasions the members sat and deliberated in one assembly; but on others they separated into two houses, according to the general practice which, as we have seen, now prevailed in the southern province. The former course the northern synod pursued when Thomas Richmond was summoned to answer for some heretical opinions[z] which he had propounded; the second course they pursued at two[a] different times, during the sitting of this convocation, for separate deliberation on questions concerning "certain arduous affairs, the state and defence" of the kingdom. At this time, then, we have positive records detailing the separation of the northern convocation into two houses; but there are some footmarks left upon history which point to the conclusion that this was a practice not commenced at this date, but rather handed down from a somewhat earlier one. This may be gathered from an expression which occurs towards the close of the acts of this synod, where it is declared that "it[b] never[g] was deemed right, but was expressly contrary to the laudable customs of that province, for articles [of the lower clergy] to be presented, or their answers to be reduced to writing, but that these were made known to the presidents by word of mouth through the prolocutor." This statement certainly would lead a reader to infer that these separations were of earlier date, and that while the records here positively prove such a practice as existing in 1426, its origin may reasonably be referred further back, the northern and southern provinces having probably adopted it almost simultaneously. That such separations continued subsequently to prevail we are assured by the acts of the York Convocation, A.D. 1545, Dec. 14, where this expression occurs—"The prelates and clergy then retired to *their*[l] *accustomed house* below the cathedral with their prolocutor." So that at this latter date their separations had evidently become a matter of common usage.

[z] Conc. Mag. Brit. iii. 489.

[a] Conc. Mag. Brit. iii. 489-91.

[b] Atterbury, Rights, p. 668, and Conc. Mag. Brit. iii. 491.

[g] "Quod nunquam fuit visum, sed expressè contra consuetudines laudabiles istius provinciæ, facere aliquos articulos, seu saltem eorum responsum in scriptis redigi, sed ore tenus coram præsidentibus per Referendarium proferri."—Conc. Mag. Brit. iii. 491.

[l] "Prælati et clerus . . . ad domum suam *solitam* infra Ecclesiam metropolitanam Ebor se subtraxerunt," &c.—Trevor, p. 95.

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X. Of what members the upper and lower houses were respectively composed.

Having now arrived at that point of the history where the convocations were respectively separated into two houses [if not always, at any rate whenever occasion required], it seems necessary to inquire of what members the upper and lower houses were respectively composed. And first of the province of Canterbury.

Canterbury. Sometimes the metropolitan, with bishops, abbots, and priors constituted the upper house, and all other clergy the lower.

Bishop Burnet believed that "none[c] sat in the lower house but those who were deputed by the inferior clergy; and that bishops, abbots mitred and not mitred, and priors, deans, and archdeacons sat then in the upper house of convocation." But this is certainly incorrect; such a supposition tends to increase the number in the upper and diminish the number in the lower houses of convocation beyond the truth. Collier, however, while combatting this supposition, and that most satisfactorily, says that "the[d] bishops, abbots, and priors constituted the upper house; and that all deans, archdeacons, and proctors of the clergy and of chapters of cathedrals sat in the lower house of convocation." Now though this statement may be generally correct, yet it must not be considered as the universal practice for the bishops always to sit with the abbots and priors in the upper – while all the rest of the clergy, viz. deans, certain masters of colleges, archdeacons, chapter and diocesan proctors deliberated in the lower house. For the bishops alone sometimes deliberated with the metropolitan in the upper house, as distinct from all other clergy whatsoever. Instances of proceeding under both arrangements may be found.

[c] Coll. Eccl. Hist. vol. iv. p. 212.

[d] Coll. Eccl. Hist. vol. iv. p. 213.

Collier's statement[e], that "the bishops, abbots, and priors constituted the upper house," is fortified by the acts of the convocation begun at S. Paul's[f], A.D. 1408, under Archbishop Thomas Arundel. There it is evident that abbots and priors deliberated with the bishops; and indeed, in the nomination of committees on that occasion, abbots[g] and priors are named, in conjunction with those of the episcopal rank, from the upper house; while the lower house, meeting in the appointed place, chose[h] twenty-four persons from among themselves for the same purpose.

[e] Ibid.

[f] Conc. Mag. Brit. iii. 306.

[g] Ibid. 308.

[h] Ibid. 309.

Again, in the convocation held at S. Paul's[i], A.D. 1438,

[i] Ibid. 525.

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under Archbishop Henry Chicheley, during the session held May 5, we find the lesser prelates with the bishops in the upper, the rest of the clergy in the lower house[2].

[j] Conc. Mag. Brit. iii. 533.

In the convocation which met at S. Paul's[j], A.D. 1439, also under Archbishop Henry Chicheley, we find a similar separation between the houses taking place, the bishops uniting with the lesser prelates again in the upper, the rest of the clergy sitting in the lower house[3].

Still later, among the acts of the famous convocation assembled at the chapter-house, Westminster, under Archbishop Warham, A.D. 1532, a certain schedule is mentioned as having received the assent of both upper and lower houses. And here the members of the upper house are specified as consisting of bishops, abbots, and priors[4].

[k] Burnet's Hist. Ref. Pt. i. Addend. p. 315. Coll. iv. 365. Conc. Mag. Brit. iii. 822, 3.

And lastly, in the subscription-list[k] to the "articles about religion set out by the convocation," A.D. 1536, the evidence is plain that on that occasion bishops, abbots, and priors constituted the upper house; and that deans, with all below them in rank, sat in the lower. Indeed, the members of the two houses then signed separately; so that no room for doubt is left, the words "lower house" occurring before the signatures of those who constituted it. Add to this that the statute[l] which gives a final appeal, in ecclesiastical causes touching the sovereign, to the upper house of convocation specifies the members of that assembly as consisting of "*the spiritual prelates, and other abbots and priors of the upper house*[m]."

[l] 24 Hen. VIII. c. 12.

[m] 24 Hen. VIII. c. 12, sec. ix.

Sometimes the metropolitan with his suffragan bishops only constituted the upper house, and all other clergy the lower.

But, as was before said, though usually the metropolitan, with bishops, abbots, and priors constituted the upper house, and all the other clergy the lower, yet such a statement must not be received as of universal application. For records remain of instances in which the metropolitan and bishops alone deliberated in the upper house, while all

[2] "Communicatione habitâ inter dominos episcopos ac prælatos religiosos in domo superiori, et inter clerum in domo inferiori."—Conc. Mag. Brit. iii. 526.

[3] "Post aliqualem communicationem habitam super eadem inter dominos episcopos et prælatos religiosos de domo superiori, tandem ipsis de clero domus inferioris," &c.—Ibid. iii. 535.

[4] "Per ipsum [scil. archiepiscopum] et alios episcopos abbates et priores domus superioris convocationis prælatorum, et cleri provinciæ Cant.," &c.—Ibid. iii. 754.

other members of the synod betook themselves to the lower. Instances of such an arrangement are not rare: the following may suffice as examples. A.D. 1279—1500.

In the convocation held at[n] S. Paul's, A.D. 1399, under Archbishop Thomas Arundel, on the 8th of October, "the archbishop and the reverend fathers in God the bishops treated by themselves on ecclesiastical affairs, the *other prelates* and proctors of the clergy separating apart[5]." Again, on the 11th of October during the sitting of the same convocation, "after dismissing the above-mentioned *prelates* and proctors in the chapter-house, the archbishop with his *suffragans*[6] held a session in S. Mary's Chapel belonging to S. Paul's Cathedral." And again, shortly after "the archbishop sent for the other prelates and clergy proctors of his province, desiring that they would come from the chapter-house to S. Mary's Chapel into his presence, and that of his suffragans as aforesaid[7]." On these occasions it seems, beyond doubt, that the bishops sat apart by themselves, and that all other ecclesiastics, including those who enjoyed the dignity of lesser prelates, deliberated together.

[n] Conc. Mag. Brit. iii. 238.

Again, when the convocation was held at S. Paul's[o], A.D. 1406, under Archbishop Thomas Arundel, "he sat on the 10th of May, together with his suffragans, the clergy proctors being separated, and meeting in the room under the chapter-house, according to the accustomed usage[8]." It may, indeed, be said that *the clergy proctors* only are here mentioned as sitting in the lower house; but it would appear, on a due consideration of the whole passage, that that expression is used here generically to include all clergy below the rank of bishops.

[o] Conc. Mag. Brit. iii. 284.

[5] "Tractabant ipse dominus et reverendi patres episcopi antedicti per se de negotiis omnibus Ecclesiæ, aliis *prælatis* et procuratoribus cleri seorsim separatis."—Conc. Mag. Brit. iii. 239.

[6] "Dictis prælatis et procuratoribus in eadem domo capitulari dimissis, dictus dominus una cum *suffraganeis* suis accessit ad capellam B. Mariæ ejusdem Ecclesiæ."—Conc. Mag. Brit. iii. 239.

[7] "Dominus archiepiscopus misit pro ceteris *prælatis* et procuratoribus cleri dictæ suæ Cantuar. provinciæ, quod venirent ad dictam capellam B. Mariæ coram eo et dictis *suffraganeis* suis."—Conc. Mag. Brit. iii. 239.

[8] "Decimo die mensis Maii in domo capitulari convenerunt archiepiscopus et sui suffraganei; procuratoribus cleri seorsum separatis et convenientibus in basso sub domo capitulari more solito."—Conc. Mag. Brit. iii. 284.

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As another proof that the bishops sometimes constituted the upper house, and all other prelates with the inferior clergy the lower, the acts of the convocation may be quoted which assembled on the 5th of November, A.D. 1529, the twenty-first year of K. Henry VIII., under Archbishop Warham. In the fourth session, November 15, the archbishop "consulted[p] with his suffragans;" on the 17th of the same month "the archbishop[q] held a secret communication with his suffragans, all other persons being excluded;" and on the 22nd of November he again held another "secret communication[r] with them" alone.

[p] Conc. Mag. Brit. iii. 717.

[q] Ibid.

[r] Ibid.

From the foregoing records we may gather that the practice was not always in this respect the same; that, speaking generally, the bishops, abbots, and priors constituted the upper, that deans and all ecclesiastics of inferior degree to them constituted the lower house of the Convocation of Canterbury; but that occasions sometimes arose when the metropolitan and bishops alone sat in the upper house, to the exclusion of all other persons whatsoever. The inquiry is interesting to those who are curious in the original constitution of our provincial synods, though it is not of much practical importance in the present day; because since the dissolution of the abbeys and monasteries, as we have neither abbots or priors in this country, it is not necessary to define their precise position as members of synods. The above examples, however, very clearly shew that the present division of the members into their respective houses, taking into consideration the ranks now existing among our clergy, is in accordance with an ancient practice.

York. Metropolitan and suffragan bishops constituted the upper, and all other clergy the lower house.

As regards the constituent members of the two houses of the synod of the northern province, it would appear from the acts of the convocation which assembled in the chapter-house of York[s] Cathedral, A.D. 1426, as though the whole clergy, with the exception of the archbishop and his suffragans, belonged to the lower house. On this occasion the Bishops of Durham and Carlisle attended, together with the[t] Abbot of S. Mary's, York, specially deputed as commissioners for the metropolitan. The fact of this abbot's sitting in the upper house cannot be quoted as a proof that the northern abbots usually sat there, as he appeared in the

[s] Conc. Mag. Brit. iii. 487.

[t] Ibid.

character of a representative of the absent archbishop. Now on this occasion, when the lower house went apart for the purpose of electing their prolocutor, John Castell, the *prelates*[9] *and clergy* are represented as constituting that branch of the assembly; and this expression would seem to include all save the three commissioners above mentioned. A.D. 1279—1500.

Further, we find upon the submission of Thomas Richmond, who had been arraigned for heretical teaching before this convocation, that the Bishops of Durham and Carlisle, together with the archbishop's representative, had a private[1] consultation among themselves on the subject; from which it would appear that then again they alone constituted the upper house.

When a subsequent session[a] was held, on the 16th of August, and the prolocutor, John Castell, on the part of the prelates and clergy, petitioned for the dissolution of the convocation, the two bishops, with the archiepiscopal representative above mentioned, held a private[2] consultation on the subject. [a] Conc. Mag. Brit. iii. 489.

Shortly afterwards, upon another similar application through the prolocutor, the Bishop[3] of Durham, with his co-presidents, held a separate conference and deliberation.

And again, when K. Henry the VI.'s commissioners were sent to ask a subsidy from this convocation for the defence of the kingdoms of France and England, the Bishop of Durham, with the consent of his co-presidents[4], addressed the synod, and ordered "the[5] prelates and clergy to retire apart, and to deliberate on the subject proposed." And, after their

[9] "Dictis dominis commissariis in loco solito iterum præsidentibus, prælati et clerus prædicti de mandato dominorum præsidentium, ad partem se divertentes, reverendum et magnæ discretionis virum magistrum Johannem Castell sacræ paginæ professorem in ipsorum referendarium concorditer, ut apparuit, elegerunt."—Conc. Mag. Brit. iii. 488.

[1] "Dominus Dunelm. de consensu conpræsidentium suorum post aliqualem contractationem inter eos habitam," &c.—Conc. Mag. Brit. iii. 489.

[2] "Super quâ petitione per dictos dominos præsidentes contractatione inter se habita et tractata."—Conc. Mag. Brit. iii. 489.

[3] "Dominus Dunelm. habitis tractatu et deliberatione cum conpræsidentibus suis."—Conc. Mag. Brit. iii. 489.

[4] "De consensu conpræsidentium suorum."—Conc. Mag. Brit. iii. 489.

[5] "Mandavit ut prælati et clerus seorsim se diverterent et super hiis effectualiter contractarent."—Conc. Mag. Brit. iii. 489.

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separate deliberation, we are informed that they returned[6] into the presence of the presidents, and that their answer was given by the mouth of the prolocutor.

On the occasion of the session held on the 8th of October of this same year, 1426, K. Henry VI.'s commissioners, the Earl of Northumberland and Richard Nevill, appeared, and urged the defenceless state of the kingdom as a reason for granting a supply; when again the Bishop of Durham, as president, desired[7] the prelates and clergy to betake themselves to a separate place for deliberation with their prolocutor.

And on the fifteenth day of the same month, the lower house being called before the presidents, as distinguished from all the rest of the clergy, a statement was made that it was expressly in accordance[v] with the ancient laudable institutions of their province, that the articles of the clergy should be brought before the presidents by word of mouth of the prolocutor.

[v] Conc. Mag. Brit. iii. 491.

In all these circumstances we see a clear distinction drawn between those who are denominated the presidents, in the northern convocation, and the rest of the members; the presidents evidently signifying the archbishop or his commissioners associated with the suffragan bishops. The same distinction appears upon a perusal of Archbishop Edward Lee's[w] letter to K. Henry VIII., informing him that the York provincial synod had formally rejected the papal supremacy in 1534. In that document it is stated, that the prelates and clergy "being[x] asked and requested by the presidents to affirm the aforesaid conclusion . . . . after diligent conference on the subject and mature deliberation assented to it without a dissentient voice." Here, again, the same distinction appears to be recognized. Thus the conclusion seems inevitable, that the lower house of York consisted of all the clergy, save the presidents as before mentioned. And this conclusion it is reasonable to maintain until some fresh evidence is produced on the subject, at present involved in uncertainty from the

[w] Conc. Mag. Brit. iii. 782.

[x] Ibid.

[6] "Ipsis et clero ad præsidentes redeuntibus, ipsorum referendarius coram dominis præsidentibus . . . dixit," &c.—Conc. Mag. Brit. iii. 490.

[7] "Ut prælati et clerus cum suo referendario seorsim diverterent," &c.—Conc. Mag. Brit. iii. 491.

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scantiness of the records which as yet have been discovered relating to the acts of the northern convocation.

XI. Provincial synods not always held in separate houses during this period.

It must be observed, while it was the custom on special occasions to separate the provincial Synods of Canterbury and York respectively into two houses, that this practice was by no means universal. And it appears in cases where persons were convened for heresy or false teaching, that the offenders always appeared before the whole convocation sitting in a united body. Such was the case when William Sawtre was brought before the convocation held at S. Paul's[y], A.D. 1401 N.S., under Archbishop Thomas Arundel. This may be learnt also, among other instances, from the acts of the convocation begun at S. Paul's[z] in October, 1419, under Archbishop Henry Chicheley. During the session of that synod held on the 8th of November, one Richard Walker, a chaplain in the diocese of Worcester, was summoned before the assembly and accused of superstitious practices, and it is plain that the synod sat[8] in one body to hear the cause. On the 20th of the same month a like[9] course was pursued, when Ralph Owtrede, William Brown, and Richard Wyche were convened to answer to the charge of heretical opinions. The two former abjured their tenets before the assembly, and were sent to the Chancellor of England[a] to enter into recognizances for the future; but the latter, according to the sentence of the whole[1] synod, was remitted to the Fleet prison until final determination on his case should be come to.

In the convocation held at S. Paul's[b], A.D. 1421, under Archbishop Henry Chicheley, William Tailour was convened by the Bishop of Worcester for heretical teaching at Bristol, within that diocese; and here again the offender was brought before the undivided[2] synod. The articles against him

[y] Conc. Mag. Brit. iii. 254.

[z] Conc. Mag. Brit. iii. 393.

[a] Conc. Mag. Brit. iii. 395.

[b] Conc. Mag. Brit. iii. 399.

[8] "Reverendissimo patre coepiscopis ac prælatis et clero prædictis in dicta domo capitulari ut prius *insimul congregatis*."—Conc. Mag. Brit. iii. 394.

[9] "Concilio provinciali ut prius in domo capitulari *insimul* congregato."—Conc. Mag. Brit. iii. 395.

[1] "Dominus ex consensu fratrum suorum et *communi* deliberatione totius concilii remisit eundem dominum Richardum ad carceres vocat. 'Le Flete,'" &c.—Conc. Mag. Brit. iii. 395.

[2] "Coram domino et confratribus suis *totoque* clero in dicto concilio."—Conc. Mag. Brit. iii. 406.

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were read before the united [3] assembly; and two days after, on the 26th of May, when the offender again appeared, the synod sat without separating into two houses [4].

[c] Conc. Mag. Brit. iii. 428.

Subsequently, in the convocation held at S. Paul's [c], A.D. 1424, under Archbishop Henry Chicheley, when John Russell was convened for teaching that incontinence in a clergyman was not a mortal sin, and when one John Wathe appeared under a charge of forging papal bulls, we are particularly informed that the offenders were dealt with by the whole [d] synod.

[d] Conc. Mag. Brit. iii. 429.

These examples are sufficient to shew that when a convocation was about to act judicially at this time, it sat as an undivided provincial synod. And in the event of such judicial functions being now exercised (in any case [5] not touching the king upon an appeal) it is presumed that the same course would be pursued.

Indeed, the separation of our provincial synods respectively into two houses does not appear during this period to have been so universally carried out as it is at present in the sessions of the Convocation of Canterbury. The two houses, as we have seen, did on occasions separate, but also they frequently deliberated together. Now they always sit separately after the first commencement of business, and the presentation of the prolocutor for the approval of the archbishop; and so complete is this separation, that in the province of Canterbury each house has separate officers and journals of its own; though in the northern province, as the archbishop and bishops have seldom attended in person the synods of later times, there are now "no separate records [e] or officers attendant for the lower house at York."

[e] Trevor, Two Conv. p. 126.

It is no part of our present plan to enter into the advantages or disadvantages of this habitual separation of our provincial synods into two houses. But it may be said that this practice, however convenient for special purposes, does not appear to be in accordance with the primitive examples of

[3] "Coram domino et confratribus ac toto clero," &c.—Conc. Mag. Brit. iii. 406.

[4] "Domino cum confratribus suis procuratoribusque et clero . . . in concilio simul congregatis."—Conc. Mag. Brit. iii. 406.

[5] This parenthesis applies since the year 1533, because the upper house of convocation by itself became then, and is still, an ultimate court of appeal in "ecclesiastical causes touching the king," by 24 Hen. VIII. c. 12, as confirmed by 25 Hen. VIII. c. 19, notwithstanding some late remarkable announcements.

provincial synods; that in our national Church it only prevailed by almost insensible degrees, and that it is now carried to an extent which certainly was not at first contemplated, even here.

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XII. Of the prolocutor.

The office of prolocutor is a necessary consequence of the division of a provincial synod into two assemblies. As soon as one branch of the synod was withdrawn from the immediate and personal direction of the metropolitan, it became necessary that some one should be appointed to preside in his place, in order to moderate the debates, and to perform those acts of superintendence and inspection which are essential to the good government of a deliberative assembly. In addition to this it became also a matter of importance that a person should be elected who might communicate the conclusions of the lower portion of the synod to the upper. Such are the duties of the prolocutor, or, as he has been sometimes called, the "organum cleri[f]." Another appellation has also been given to that officer, namely, "referendarius," a term derived[g] from his relating to the president and the upper house the results of the lower clergy's debates.

[f] Syn. Ang. p. 63.

[g] Ibid.

Canterbury prolocutor first elected for particular occasions.

At first a prolocutor was not appointed, as at this day, to continue his office throughout the entire continuance of a convocation, but was chosen only for particular occasions; and this practice would seem naturally to have arisen from the custom which then prevailed, that the synod, as a rule, should sit together, only separating occasionally for specific purposes.

Thus in the convocation held at S. Paul's[h], under Archbishop William Courtney, A.D. 1395 N.S., the clergy's grant was presented to the upper house by Mr. John Barnet, specially elected[6] for that purpose. In the convocation held at S. Paul's[i] in the first year of K. Henry IV., A.D. 1399, Mr. John Maydenheth, in the name[7] and on the part of the clergy, presented their gravamina twice to the upper house, which then sat in S. Mary's chapel of S. Paul's

[h] Conc. Mag. Brit. iii. 223.

[i] Conc. Mag. Brit. iii. 238.

[6] "Per venerabilem virum mag. Johannem Barnet . . . ad hoc specialiter electum."—Conc. Mag. Brit. iii. 223.

[7] "Quidam venerabilis vir magister Joh. Maydenheth, *et nomine cleri* provinciæ antedictæ, certos articulos *ex parte cleri* provinciæ antedictæ conceptos, et quam plura gravamina continentes, publice perlegebat," &c.—Conc. Mag. Brit. ii. 239.

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cathedral. In 1408 we find Mr. Henry Ware as prolocutor. In that year the convocation was summoned to meet at S. Paul's[j], under Archbishop Thomas Arundel, to consider the course which should be pursued by the English Church in reference to the great schism, which had now for thirty years disturbed the papal government. For a due management of the business two committees were chosen, one consisting of seventeen members of the upper house, another of twenty-four members of the lower. The resolution of this last committee was presented and explained "in their[8] name and behalf" by Mr. Henry Ware[k] to the upper house. But up to this time the office of prolocutor does not appear to have been conferred on a particular individual for the whole continuance of a convocation, but only to have been created as exigency might require. And, indeed, three years after this, in the convocation held at S. Paul's[l], A.D. 1411, we find two persons presenting the "gravamina[m]" of the clergy, Mr. Henry Ware and Dr. Philip Morgan, both[9] of whom are said to be prolocutors.

Then elected permanently for the duration of the convocation.

As the separation of the convocation into two houses arose by degrees, so it seems that this office, as now existing, followed the same course, and was gradually introduced. It was not until the year 1425 that the clergy elected a person to serve, as at present, through the entire continuance of the convocation. That person was William Lyndwood[n], the famous canonist; and of his appointment we have a detailed account in the acts of the convocation held at S. Paul's[o], London, A.D. 1425, under Archbishop Henry Chicheley. Upon the day following the inauguration of that synod, and after the archbishop had detailed the principal subjects to be treated of in the assembly, "he desired the lower[1] house to withdraw and choose from

j Conc. Mag. Brit. iii. 306.

k Syn. Ang. p. 64.

l Conc. Mag. Brit. iii. 334.

m Syn. Ang. p. 64.

n Syn. Ang. p. 65.

o Conc. Mag. Brit. iii. 433.

[8] "Nomine et vice suis per vener. virum mag. Henr. Ware."—Conc. Mag. Brit. iii. 309.

[9] "Vener. viri mag. Hen. Ware . . . et Phil. Morgan, U. J. doctor . . . gravamina pro et ex parte cleri, cujus gerebant *organa vocis*, exposuerunt."—Conc. Mag. Brit. iii. 335.

[1] "Quibus expositis, decani archidiaconi et procuratores capitulorum et cleri, de mandato dicti reverendissimi patris, traxerunt se in domum inferiorem sub domo predicto capitulari, ut de hujusmodi causis tractarent, et unum referendarium sive prolocutorem ex seipsis eligerent, qui vice eorum omnium et singulorum causas exponeret et responsa."—Conc. Mag. Brit. iii. 433.

among themselves a referendary, or prolocutor, who in the name of each and of all the members might explain the heads of business and carry up their answers." The clergy accordingly chose William Lyndwood, whose work, on the provincial constitutions received in this country, abides as a text-book to this time, a notable monument of industry, research, and learning.

After this appointment of William Lyndwood in 1425, we do not readily meet with the account of any person being elected as a constant prolocutor like himself, though we find the names of several gentlemen who in different convocations exercised the original office, that is, of reporting on special occasions "the answers [p] and desires of the lower clergy to the archbishop and bishops." This office was performed by Mr. Thomas Bekynton [q], as prolocutor, in the convocation held at S. Paul's [r], A.D. 1433, under Archbishop Henry Chicheley; by Mr. John Lyndefield [s] in the convocation which met at S. Paul's [t], A.D. 1438, under the same archbishop; by Mr. Richard Andrew [u] in the convocation begun at S. Paul's [v], A.D. 1439, under the same presidency; and by Mr. William Byconnil in the convocation [w] at S. Paul's, A.D. 1444, under Archbishop John Stafford.

These executed the office as necessity for constituting it arose; but after William Lyndwood [x] we meet with no regular choice of a person appointed for a continuance until the convocation held at S. Paul's [y], A.D. 1453 N.S., under Archbishop John Kemp. After the opening of that synod Mr. John Stokys, under the direction of the archbishop, was elected as prolocutor in the same formal [2] manner as when William Lyndwood was appointed in 1425; and Mr. Stokys is mentioned in a subsequent [z] session of this synod as the prolocutor of the clergy, from which it may be gathered that he served the office throughout the duration of the convocation. In the next convocation of Canterbury, held [a] at S. Paul's, London, A.D. 1460, under Archbishop Thomas Bouchier, the same prolocutor was elected and formally presented as in the

[p] Syn. Ang. p. 65.

[q] Ibid.

[r] Conc. Mag. Brit. iii. 521.

[s] Syn. Ang. p. 66.

[t] Conc. Mag. Brit. iii. 525.

[u] Syn. Ang. p. 66.

[v] Conc. Mag. Brit. iii. 533.

[w] Conc. Mag. Brit. iii. 539.

[x] Syn. Ang. p. 66.

[y] Conc. Mag. Brit. iii. 562.

[z] Conc. Mag. Brit. iii. 563.

[a] Conc. Mag. Brit. iii. 577.

[2] "Peractis sacris, ac lectis mandato archiepiscopi, certificatorioque episcopi London. examinatisque procuratoriis, et expositis causis convocationis, reverendissimi jussu prolocutor mag. Jo. Stokys a clero fuit electus."—Conc. Mag. Brit. iii. 562.

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year 1453, and he was a third time chosen in the convocation held at S. Paul's[b], A.D. 1463. From this date the regular existence of that officer may be traced through the subsequent history, the prolocutors being elected immediately after the opening of convocation. For example, we find Mr. William Pykenham elected in[c] 1481 N.S., Mr. Thomas Cooke[d] in 1486, Mr. Humphrey Hawarden[e] in 1489 N.S., Dr. John Taylor[f] in 1521, Mr. Richard Wolman[g] in 1529, Mr. Gwent[h] in 1536. The office thus seems to have arisen by degrees and as occasion required; and when the separation of the synod habitually took place, then the regular election of prolocutor became a settled usage. For Archbishop Parker laid down as an established practice in his day that which is the custom in ours, when he thus wrote: "It[i] is the habit for the archbishop to advise and exhort the members of the lower house to withdraw thither, and with unanimous counsel and consent to choose a learned, pious, and faithful man as prolocutor, whom they may present to the archbishop with all due solemnity in the chapter-house at the subsequent session."

Presentation of the prolocutor.

After the election of a prolocutor by the lower house, it is now the practice to present him to the archbishop and his suffragans, for admission to that responsible office which his brethren have conferred on him. This practice is of very ancient date; the first[j] account of it we find in the year 1453 N.S., when the clergy having been required to retire and choose their prolocutor (who in that year[k] was Mr. John Stokys), first made their choice, and then presented the person selected to the upper house[3]. The same course[l] was pursued in 1460; and from that time we have common records of the practice. In the earlier instances the archbishop is said to have "admitted[m] and accepted" the person presented; in later times he is said to "have[n] approved and confirmed him, with the consent of his brethren" the suffragan bishops.

Thus the office of prolocutor is one of very high antiquity. For the forms of election and presentation, the foregoing precedents may be quoted, and those forms are to this

[b] Conc. Mag. Brit. iii. 585.
[c] Conc. Mag. Brit. iii. 612.
[d] Conc. Mag. Brit. iii. 612.
[e] Conc. Mag. Brit. iii. 625.
[f] Conc. Mag. Brit. iii. 697.
[g] Conc. Mag. Brit. iii. 717.
[h] Coll. Eccl. Hist. iv. 344.
[i] Syn. Ang. p. 67.
[j] Syn. Ang. p. 66.
[k] Conc. Mag. Brit. iii. 562.
[l] Syn. Ang. p. 66.
[m] Ibid.
[n] Ibid. p. 73.

[3] "Egregiumque virum in prolocutorem cleri ut præmittitur electum, reverendissimo patri reverendisque patribus *præsentando*."—Syn. Ang. p. 66.

day strictly adhered to in the southern province of England. Immediately on the opening of the convocation at S. Paul's, after divine service, the lower clergy retire to the north aisle of S. Paul's Cathedral, where the election takes place. Two persons are also chosen to present the prolocutor elect. At the commencement of the ensuing session, now usually held in the Jerusalem chamber, Westminster, he is presented by those selected for that purpose, one of whom addresses the archbishop in a Latin speech—the members of the upper house being seated, those of the lower standing—and the archbishop in an answer, delivered also in Latin, accepts and confirms as prolocutor of the lower house the person so presented to himself and his suffragans. The prolocutor, then fully admitted to his office, replies in a Latin oration suitable to the occasion, and touching on such topics as appear to him proper.

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The high honour attached to this office receives additional lustre from such names as those of Dean Taylor, Dean Nowel, Dr. Whitgift[o], Dean Overall, Dr. Jane, and Dr. Atterbury having been since the Reformation connected with it. Nor can it be thought that its former dignity will be a whit impaired in the hands of its present possessor, on whom it was conferred in the year 1852 by his brethren the lower clergy without a dissentient voice. His zeal for the house of God has been fully manifested in the late restorations of the decaying cathedral of Ely to its original beauty, and perhaps more than its original splendour;—good works carried on with pious care and unwearied diligence. The ancient and honourable office of prolocutor may open opportunities for the exercise of like qualities, in promoting God's glory by the re-edification of the long neglected spiritual fabric of the Church of England.

[o] Card. Syn. i. 132.

York prolocutor.

The records of the province of York never having been kept in so full a manner as those of Canterbury, we have not opportunities of tracing out the origin of the prolocutor's office in the northern synod with the same facility as in the southern. There is, however, a very distinct account of the convocation[p] held under Archbishop Kemp in the year 1426, the fourth of K. Henry VI. In that assembly Dr. John Castell was elected unanimously

[p] Conc. Mag. Brit. iii. 487.

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as prolocutor, and was presented to the presidents of the York Synod for confirmation, who "with all willingness admitted him, as a useful and worthy man, to that office[4]." We find him accepting the office with the *usual* protest[5] of his inability to fill it properly; and from this protest being here recorded as an usual one, we may well gather that the election of a prolocutor in the northern province was at this time customary. But this is made more clearly evident from the answer given by the lower house to the upper at a subsequent session of this convocation, in which it was stated that it was "contrary[q] to the laudable customs of that province for any articles to be brought up to the presidents except by word of mouth of the prolocutor[6]." Here is an evident proof that the office of prolocutor in that province was one even of older date than this (1426), though it is perhaps not possible to fix it precisely. Subsequently, the York records supply the names of several prolocutors.

[q] Conc. Mag. Brit. iii. 491.

In the convocation held at York, November 24, 1545, Mr. George Palmes[r] was presented and admitted as prolocutor; and he also executed his office at a session[s] held in the month of December in that year.

[r] Trevor, p. 94.
[s] Trevor, p. 95.

In 1606 N.S., when the York Convocation was convened to ratify the present canons of the English Church, and "to[t] number them among the constitutions and canons of the province of York," Dr. Goodwyn was elected[u] prolocutor; and in the discharge of his duty at a later session[v], he read over those canons to the northern synod, in order to their being "examined[w] and considered."

[t] Wake's State, App. No. clvii.
[u] March 5.
[v] March 10.
[w] Conc. Mag. Brit. iv. 426.

Dr. John Neil was elected[x], presented, and admitted as prolocutor by the northern synod in 1661, when K. Charles II. sent down a requirement[y] to Acceptus Frewen, Archbishop of York, to convene his provincial synod for a revision of the Book of Common Prayer, afterwards so happily accomplished. And upon the last day of November in that year Dr. Neil is mentioned as engaged in his duties,

[x] Trevor, p. 103.
[y] Trevor, p. 107.

[4] "Tanquam habilem atque dignum benevole admiserunt."—Conc. Mag. Brit. iii. 488.

[5] "Onus referenderatûs hujusmodi, cum protestatione consuetâ, sponte in se suscipientem."—Conc. Mag. Brit. iii. 488.

[6] "Sed ore tenus coram præsidentibus per referendarium proferri."—Conc. Mag. Brit. iii. 491.

together with the prelates and clergy of the lower house at York, in electing proxies[z] from their body to attend in the Convocation of Canterbury on their behalf, and for the purpose above mentioned. A.D. 1279—1500.

[z] Trevor, p. 109.

Thus in the northern synod this office dates its origin from very early times, having probably arisen almost simultaneously in both provinces; and in the York Convocations it has been continued down to a comparatively modern date, though from impediments, perhaps not altogether insurmountable, it is at this time in abeyance.

General remarks on the office of prolocutor.

Upon the office of prolocutor it may be remarked generally, that at its first institution, when the lower house retired for deliberation upon any particular business, the prolocutor had no more to do than to deliver, upon their return to the presence of the archbishop and the upper house, the sense of the clergy in the hearing of all. "And[a] in this united state, whatever directions the president and bishops had to deliver to the clergy were given immediately to the whole body. But as their debates grew by degrees more separate," the clergy not only sent up their opinions and resolutions to the upper house by their prolocutor, but it became customary for him to convey also back[b] to them any commands or admonitions which the upper house might have to give. Thus by degrees the duties of his office arose. They chiefly consist now in moderating the debates of the lower house, in conveying "to[c] the bishops the petitions and opinions of their clergy, and in carrying back to the clergy the advice and direction of the bishops." By which intervention the convocation, though separated into two bodies, remains in effect a united provincial synod.

[a] Syn. Ang. p. 68.

[b] Syn. Ang. pp. 68, 69.

[c] Syn. Ang. p. 69.

XIII. Of the gravamina and reformanda in convocation.

From the very earliest times the clergy were always encouraged to inform the ecclesiastical synods of our country when any matters came within their cognizance which tended to the injury of religion or the dishonour of the Church. It is clear that the parochial clergy scattered throughout the length and breadth of the land would have opportunities of obtaining much information, which could hardly come to the knowledge of any other but themselves. And not only was encouragement held out that such information should be given, but canons of a very early

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date exist on this subject. The fourth and fifth of those called "Edgar's Canons," which were promulgated[d] under Archbishop Dunstan about A.D. 960, provide that "every priest[e] shall declare to the synod any injustice which may have been committed against him;" and also, "that every[f] priest shall inform the synod if he is aware of any contumacious person in his parish,—of any one who has fallen into mortal sin and cannot be brought to repentance and amendment."

[d] Conc. Mag. Brit. i. 225.
[e] Can. iv.
[f] Can. v.

It was from this old custom of delating offenders and offences to synods that the habit arose in convocation of presenting grievances and matters requiring reformation (gravamina et reformanda); a habit of constant occurrence during the period before us. Sometimes "gravamina" were presented by the prelates[g] of the upper house, sometimes by the proctors[h] of the lower, to the archbishop and bishops[7]; and sometimes each bishop and the clergy of each diocese were severally[i] asked if they had their particular "gravamina" reduced to writing and ready for presentation. Sometimes also committees[j] were appointed to hear the complaints of clergymen and form "gravamina" upon the evidence produced. And "gravamina" of such a formal and authoritative character, if emanating from the lower house, were usually presented by the prolocutor[k]. But it is clear that each individual member of the synod has a right also to present his own peculiar "gravamina," not only by ancient usage, but by the established practice[l] of convocation since the reformation. Thus the fullest opportunity was always granted by these various means for the discovery of grievances and scandals, and this was a most salutary provision. It was usual for the "gravamina et reformanda" to be considered in convocation, and when, after deliberation, conclusions had been arrived at, *articles*[8] *of the clergy*, as they were called, were framed in accordance with those conclusions, and were presented in parliament as the basis[m] upon which legal enactments might be built. And this is the course, as regards ecclesiastical legislation, which, so long as a connexion between Church

[g] Conc. Mag. Brit. ii. 313.
[h] Conc. Mag. Brit. iii. 335.
[i] Conc. Mag. Brit. ii. 313.
[j] Conc. Mag. Brit. iii. 523.
[k] Syn. Ang. pp. 153, 154.
[l] Syn. Ang. pp. 159, 160.
[m] Vid. Syn. Ang. pp. 148, 149.

[7] "Coram . . . archiepiscopo et confratribus . . . comparuerunt procuratores cleri qui plura referebant gravamina."—Conc. Mag. Brit. iii. 335.

[8] "Alia gravamina clero illata . . . super quibus certi articuli in parliamento pro parte cleri porrigendi concipiebantur."—Conc. Mag. Brit. iii. 433.

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and State lasts (and long may it last !) would appear to be the most reasonable to pursue in this country. This would be in accordance with the old Anglo-Saxon principle of government, that the law divine and ecclesiastical questions should be treated of in proper synods, and that their conclusions, if deemed by the supreme civil legislature to be conducive to the general good, should receive the sanction of the State, and thus become binding not only in court of conscience but in the exterior forum also. Thus would suggestions for the good government and wholesome discipline of the Church be made by her proper representatives, and by those who are most conversant with such subjects; and those suggestions being presented as "articles of the clergy," might, in accordance with the principles of the time-honoured constitution of England, receive that powerful sanction from the imperial legislature, which would ensure general obedience, and provide ready remedies against numerous abuses, now grievous scandals to our country.

XIV. Spiritual character of the employments of convocations.

Statements that originally the convocations were chiefly called for the sake of granting subsidies, and were principally employed in that duty, are very favourite ones in these days, and have been repeated with great assurance in many quarters. But those large folios[n] which contain their voluminous acts relating to ecclesiastical affairs, consisting of constitutions, canons, laws of Church discipline, regulations for cathedrals, churches, and monasteries, orders for choral services, examinations and trials of Templars, Lollards. and other heretics, judgments passed and executed,—all these can hardly have been studied with accurate and painstaking research by such as make these assertions. Those great monuments exist as an unanswerable contradiction to such statements. And if the memorials of our convocations are neglected or overlooked, it is hardly sufficient to plead ignorance of their existence or contents as an acceptable excuse for such unwarrantable announcements respecting the engagements in which they were occupied. So far from the subsidies having been considered the most important parts of their business, it is not too much to say that the accounts relating to such financial supplies form a very inconsiderable portion of the records of the acts of our

[n] Conc. Mag. Brit. vols. ii. & iii.

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convocations. That subject is usually disposed of in very few words. Generally the bare fact is mentioned that a subsidy was sought and granted, and the matter is forthwith dismissed; while the acts connected with purely ecclesiastical affairs commonly extend over spaces somewhat daunting even to laborious students. Indeed, in the treatment of ecclesiastical business and spiritual affairs by our convocations during a great part of the period now before us, that principle of exclusive attention to one point appears to have been adhered to, which Pericles recommended the Athenians to adopt with regard to their naval force[9]. The spiritual duties of convocation were not only not considered as an accidental adjunct, but the rather no accidental adjunct was allowed to attach to them.

To take one out of numerous examples which might be quoted. On the occasion of the very first convocation held in the reign of K. Henry IV., under Archbishop Thomas Arundel[o], at S. Paul's, A.D. 1399, that monarch sent the Earl of Northumberland, together with others, to say that they did not come, as royal commissioners had sometimes been sent before, to ask for a subsidy. And the earl, on the part of the king, further gave the synod an express[1] assurance that it was not the king's intention or wish to exact money, or impose any burden upon them, but that he desired their prayers, and gave them a solemn promise that he would defend the liberties of the Church, and repress to the utmost of his power all errors and heresies. The absence of all financial engagements in this convocation certainly does not tend to diminish its importance, for the two[2] houses having set themselves to deliberation on ecclesiastical affairs, some very important business, extending to sixty-three heads, was trans-

[o] Conc. Mag. Brit. iii. 238.

[9] τὸ δὲ ναυτικὸν τέχνης ἐστὶν ὥσπερ καὶ ἄλλο τι, καὶ οὐκ ἐνδέχεται, ὅταν τύχῃ, ἐκ παρέργου μελετᾶσθαι, ἀλλὰ μᾶλλον μηδὲν ἐκείνῳ πάρεργον ἄλλο γίγνεσθαι.—Thucyd. lib. i. c. 142.

[1] "Ex parte regis expresse dixit, non fuit intentionis neque voluntatis dicti domini regis de cætero aliquam exactionem pecuniarum in suo regno facere, nec eisdem imponere nisi magna necessitate . . . certificans eisdem dominis prælatis et clero quod ipse dominus noster rex omnes libertates Ecclesiæ sustineret, necnon hæreses, errores, et hæreticos destrueret juxta posse."—Conc. Mag. Brit. iii. 239.

[2] "Tractabant ipse dominus et reverendi patres episcopi antedicti per se de negotiis omnibus Ecclesiæ, aliis prælatis et procuratoribus cleri seorsim separatis."—Conc. Mag. Brit. iii. 239.

acted. And this may fairly be taken as an example of the convocations assembled at this time. Indeed, the business of convocation during the earlier and middle part of our present period consisted chiefly in the trials of Templars, accused of being a most pestilent sect, of Lollards, as well as of misbelieving persons generally, and in examinations of books accused of containing heresy. In the latter sort of employment the convocations were much engaged also towards the end of this period [p].

Mode of dealing with heretical books.

As regards books, if they were found to contain matter which was considered to be prejudicial to the faith, an order was usually made that they should be burnt. This was done in the case of a book belonging to John Oldcastell, Lord Cobham, which [q] he had sent to one Lynmore, an illuminator, in Paternoster Row, to be ornamented; but which, on being examined, and found to contain matter subversive of the faith and the Church, was condemned, and burnt [r] at S. Paul's cross in 1413. It was by the way this same Lord Cobham who sent about unlicensed preachers sowing the seeds of Lollardism, in defiance of a provincial [s] constitution made in that behalf, and asserted that provincial synods had [t] no authority in such matters; which statement, among others, seems to have somewhat disturbed Archbishop Arundel [u]. Such assertions now meet with greater favour, their author, however, on this occasion was excommunicated [v]. The books of John Claydon, among which was "The [w] Lanterne of Light," were also burnt, having been examined and condemned in the convocation held [x] at S. Paul's, A.D. 1415, under Archbishop Henry Chicheley. Nor could a like fate for many of the mischievous publications with which this age is pestered be regretted by any well disposed Englishman.

Mode of dealing with heretical persons.

When persons were found guilty of heresy and false teaching, they were sometimes compelled to retract their tenets in the same place in which they had taught. This course was pursued with regard to John Russell, who was forced by the convocation held at S. Paul's [y], A.D. 1424, under Archbishop Henry Chicheley, to recant at Stamford a profligate [z] sermon preached before a congregation in that place. Sometimes the offenders

[p] Conc. Mag. Brit. iii. 719.

[q] Conc. Mag. Brit. iii. 352.

[r] Conc. Mag. Brit. iii. 351.

[s] Conc. Mag. Brit. iii. 353.

[t] Ibid.

[u] Ibid.

[v] Conc. Mag. Brit. iii. 357.

[w] Conc. Mag. Brit. iii. 274.

[x] Conc. Mag. Brit. iii. 371.

[y] Conc. Mag. Brit. iii. 428.

[z] Conc. Mag. Brit. iii. 431.

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were delivered over to their respective diocesans[a] for punishment and, if necessary, for imprisonment; and sometimes they were handed over to the secular judge[b], who frequently compelled them to enter into recognizances for future good behaviour. Instances of such proceedings before convocation may be found in the cases of Philip Rippyngdon[c] and John de Asshton[d], in the year 1382; of Winchelsy, Hatton, Fleming, and Russell[e], of Robert Hoke, rector of Braybrook, and of Thomas Drayton[f], rector of Snave, in the year 1425; of Ralph Mungyn[g], Richard Monk, and Thomas Garenter, in 1428; of Thomas Bagley[h], vicar of Maunden, in 1429; of John Budhill[i], in 1460; of Michael Gerdyn[j] and Simon Harrison, in 1463; of Hugh Latymer[k][3], in 1532 N.S., and of others.

Convocations sometimes, though not frequently, inflicted under their own authority penalties on persons.

Occasionally, though not perhaps very frequently, the convocation, itself having passed sentence on the offender, inflicted punishment under its own authority. But as it does not (at least so far as is easily discoverable) appear that the convocations had available machinery for punishment at their own disposal, this was not very often the case. There is, however, an account of a penalty inflicted under their own authority which is somewhat amusing, and perhaps instructive. In October, 1424, on the occasion of John Wathe's trial, who was convened before the whole[4] convocation for forging bulls with Martin V.'s name attached to them, the offender confessed his fault, and submitted himself to the sentence of the assembly. Archbishop Henry Chicheley, to whom the office of giving judgment was committed, pronounced it in the following March in the chapter-house at S. Paul's, and it was thus executed[l]. The forged bulls were hung open round John Wathe's neck, and a high paper cap was placed on his head, bearing this inscription in letters large enough to be

[a] Conc. Mag. Brit. iii. 253. 271.
[b] Conc. Mag. Brit. iii. 375. 395. 406. 436.
[c] Conc. Mag. Brit. iii. 172.
[d] Conc. Mag. Brit. iii. 433.
[e] Conc. Mag. Brit. iii. 434.
[f] Conc. Mag. Brit. iii. 435.
[g] Conc. Mag. Brit. iii. 497.
[h] Conc. Mag. Brit. iii. 515.
[i] Conc. Mag. Brit. iii. 578.
[j] Conc. Mag. Brit. iii. 585.
[k] Conc. Mag. Brit. iii. 747.
[l] Conc. Mag. Brit. iii. 431.

[3] Latimer's submission was couched in these words: "My lords, I do confess that I have misordered myself very farre, in that I have so presumptuously and boldly preached, reproveing certain things, by which the people that were infirm hath taken occasion of ill. Wherefore I ask forgiveness of my misbehaviour. I will be glad to make amends; and I have spoken indiscreetly in vehemence of speaking, and have erred in some things; and in manner have been in a wrong way (as thus), lacking discretion in many things."—Conc. Mag. Brit. iii. 747.

[4] "Coram toto concilio adducebatur quidam dominus Johannes Wathe," &c.—Conc. Mag. Brit. iii. 429.

read by all bystanders, "the forger of bulls." In such guise he was set upon a horse without saddle, and made to ride in sight of the populace at the head of a general procession of the whole city of London through Cheapside and Walbrook. Thence returning by Watling Street, he was forced to witness the burning of his forged bulls in a fire before the south door of S. Paul's Cathedral, and then, being led into the church, had to swear before the archbishop, that he would undergo the same penance in the city of Lincoln and the town of Great Grimsby, where it was asserted he had previously resided. A.D. 1279—1500.

Such a penalty, under civil sanctions, might, without much impropriety, be considered fitting for the authors of many of those mischievous publications which in this day disgrace our country.

This duty belongs rather to the civil power.

But even if right-minded men would see without regret such ignominious punishments inflicted upon the authors of some of those immoral, obscene, and blasphemous writings which emanate from a portion of the press of the present day,—a cause of shame to the virtuous, of gratification only to the licentious and profane,—such inflictions would, under all circumstances, be best executed by the civil power. Corporal and personal punishments are scarcely fitting weapons for the Church's warfare. Her arms are spiritual. The proper penalty for her to inflict is a withdrawal of spiritual blessing. Her province is to separate the wicked from the communion of the faithful; to forbid the unholy an approach to her holy altars; to deny him who scoffs at Christ's law any participation in Christ's best gifts—

"Si autem Ecclesiam non audierit sit tibi sicut ethnicus et publicanus [m]."

[m] S. Matt. Evang. xviii. 17.

CHAPTER X.

ENGLISH SYNODS.

FROM THE ACCESSION OF ARCHBISHOP HENRY DEAN TO THE REJECTION OF PAPAL SUPREMACY BY THE PROVINCIAL SYNODS OF CANTERBURY AND YORK, A.D. 1500—1534.

RECOVERY OF INDEPENDENCE BY THE NATIONAL CHURCH OF ENGLAND. THE DAWN OF THE REFORMATION.

SUMMARY.

I. Death of Archbishop John Morton, and accession of Archbishops Henry Dean and William Warham. II. The English provincial synods or convocations the only rightful authority for effecting a reformation in religion. III. Circumstances now tending to promote a reformation in religion—Luther—Removal of large bodies of men from papal jurisdiction. IV. Domestic affairs of K. Henry VIII.—English divines generally favourable to K. Henry's divorce and opposed to the Pope in this respect. V. Origin of K. Henry VIII.'s notion of becoming head of the clergy—Circumstances combined to promote the rejection of the papal supremacy in England. VI. Meeting of Canterbury Synod, A.D. 1530—Clergy involved in a præmunire—The king endeavours to extort from them the title of "supreme head," A.D. 1531, N.S.—The clergy resist—The king somewhat recedes—The title granted with a salvo—Proceedings of York Synod in this business—Bishop Tunstall's protest—These acts of the two provincial synods the forerunners of 24 Hen. VIII. c. 12. VII. Canterbury Synod, A.D. 1532—Complaint of king and commons against the clergy—Clergy's first reply—Clergy's second reply—Articles of submission transmitted to the synod—Proceedings of the synod on the articles of submission—Final form of submission passed in synod. VIII. Judgment of the two provincial synods on K. Henry and Queen Catherine's marriage. IX. Final rejection of papal supremacy by the provincial synods of England—Canterbury—York.

Καὶ ἐκεῖνοί τε ἄξιοι ἐπαίνου . . . κτησάμενοι γὰρ πρὸς οἷς ἐδέξαντο, ὅσην ἔχομεν ἀρχήν, οὐκ ἀπόνως, ἡμῖν τοῖς νῦν προσκατέλιπον.—THUCYD. *Hist.* lib. ii. c. 36.

"Libertas quæ sera tamen respexit."

VIRG. *Ec.* i. 28.

A.D. 1500—1534. Archbps., Henry Dean, Thomas Savage.

I. Death of Archbishop John Morton, and ac-

ARCHBISHOP John Morton departed this life on the fifteenth day of September, A.D. 1500,

cession of Archbishops Henry Dean and William Warham.

in [a] the ninetieth year of his age. To him succeeded [b] Henry Dean [1], who was translated from Salisbury to the see of Canterbury. After this time the acts of the Canterbury Convocation were not recorded in the archbishop's registers, as previously, but were entered into distinct volumes. These last mentioned documents [c] perished in the great fire of London, A.D. 1666. And

A.D. 1500—1534. K. Henry VII.

[a] Rose, Biog. Dict.
[b] Coll. Eccl. Hist. iii. 448.
[c] Hody, Pt. iii. p. 281.

[1] LIST OF ENGLISH SYNODS, A.D. 1500—1534.

Date. A. D.	Place.	Archbishop or President.	King.	Reference.	Nature of Assembly.
1502 N.S.	S. Paul's, London	Henry Dean, abp. of Canterbury	Henry VII.	Conc. M. B. iii. 646	Provinc. Synod.
1502 N.S.	York	Thos. Savage, abp. of York	Henry VII.	Ibid. 647	Prov. Synod, with continuation.
1504 N.S.	S. Paul's, London	W. Warham, abp. Ct	Henry VII.	Ibid. 647	Provinc. Synod.
1504	.....	Thomas Savage ..	Henry VII.	Ibid. 649	Provinc. Synod.
1509 N.S.	York	C. Bainbridge, abp. Y	Henry VII.	Ibid. 651 ...	Provinc. Synod.
1510 N.S.	S. Paul's, London	Will. Warham	Henry VIII.	Ibid. 651	Provinc. Synod.
1512 N.S.	.....	Will. Warham	Henry VIII.	Ibid. 652	Cant. Pro. Synod.
1512	.....	Christ. Bainbridge	Henry VIII.	Ibid. 657	York Pro. Synod, with continuations.
1512, Nov. 6	.....	Will. Warham	Henry VIII.	Ibid. 652	Cant. Pro. Synod.
1514	S. Paul's, London	Will. Warham	Henry VIII.	Ibid. 658	Prov. Synod, with continuation.
1515 N.S.	York	Christ. Bainbridge	Henry VIII.	Ibid. 658	Provinc. Synod.
1515	S. Paul's, London	Will. Warham	Henry VIII.	Ibid. 658	Prov. Synod, with continuation.
1516	.....	T. Wolsey, abp. Yk.	Henry VIII.	Ibid. 659	York Pro. Synod.
1519	Westminster ..	Thos. Wolsey as legate	Henry VIII.	Ibid. 661. See 682	National Synod of bishops.
1519	Hereford	Chas. Booth, bp.	Henry VIII.	Ibid. 681	Diocesan Synod.
1521	Ely	.....	Henry VIII.	Ibid. 693	Diocesan Synod.
*1523	S. Paul's, London	Will. Warham	Henry VIII.	Ibid. 699	Provinc. Synod.
*1523 †	Westmin. Abbey	Thos. Wolsey	Henry VIII.	Ibid. 698	York Pro. Synod.
1523	Westmin. Abbey	Thos. Wolsey as legate	Henry VIII.	Ibid. 700. Coll. iv. 49	Legatine Synod.
1528	Barnewell	.....	Henry VIII.	Conc. M. B. iii. 712	Diocesan Synod of Ely.
1529	S. Paul's, London	Will. Warham	Henry VIII.	Ibid. 717	Provinc. Synod.
1530, April 29 ‡	S. Paul's, London	Will. Warham	Henry VIII.	Ibid. 724. 742-6	Prov. Synod, continuations at Westmin. chapter-house until March 28, 1531.
1531 N.S. Jan. 12	York	See vacant	Henry VIII.	Ibid. 744	Prov. Synod, with continuations to May. 4. [1531, Oct. 16

* Wolsey endeavours vainly to unite these two provincial synods into one national council.

† "Ipsorum prælatorum et cleri atque abbatis et conventus dicti monasterii voluntate et assensu expressis."—Conc. Mag. Brit. iii. 698.

‡ "Quantum per Christi legem licet etiam supremum caput." Title granted to K. Henry VIII. in this convocation.

A.D. 1500—1534. Archbps., Henry Dean, Thomas Savage.

thus the student of our synodical history is taken at a great disadvantage, from the loss of many of the records of our Church which relate to that most important era now following. Happily, however, from various collateral sources information may be gathered; and sufficient proofs of undoubted authority may be produced to shew that the reformation of the English Church was her own proper work, and effected by legitimate means,—the acts of her provincial synods.

Archbishop Henry Dean lived but a short time after his promotion to the see of Canterbury. At his death Archbishop William Warham[d] succeeded, whose first provincial synod was held at S. Paul's[e], Feb. 16, 1504 N.S.

[d] Coll. Eccl. Hist. iii. 453.
[e] Conc. Mag. Brit. iii. 647.

II. The English provincial synods or convocations the only rightful authority for effecting a reformation in religion.

Having traced the constitutional history of our convocations, as settled upon the ancient basis of the primitive provincial synods of the Church, we now must inquire, in the prosecution of the subject, into the part which the convocations took in the proceedings connected with that great event—the Reformation in England. It is of course assumed, according to the universally admitted principles of the Church of Christ in every age, that questions of doctrine, religious rites, and spiritual discipline can only be rightly and justly settled in the recognized synods of that branch of the Church to which such questions apply. It is

LIST OF ENGLISH SYNODS, A.D. 1500—1534—*continued*.

Date. A.D.	Place.	Archbishop or President.	King.	Reference.	Nature of Assembly.
1531, Oct. 16	Westmin. chapter-house	Will. Warham ...	Henry VIII...	Conc. M. B. iii. 746	Cant. Pro. Synod, continuations to March 21, 1532 N.S.
1532 N.S. Feb. 7	York	Edward Lee, abp. of York	Henry VIII...	Ibid. 748—67	Prov. Synod, with continuations.
1532, April 12	Westmin. chapter-house	Will. Warham	Henry VIII...	Ibid. 748-9 ..	Provinc. Synod, continuations to March 26, 1533.
1533, Mar 26	S. Paul's, London	Thos. Cranmer, abp. of Canterbury	Henry VIII...	Ibid. 756	Provinc. Synod, continuations to March 31, 1534.
1533, May 13	York	Ed. Lee	Henry VIII...	Ibid. 767	Provinc. Synod.
1534, Mar 31	.....	Thos. Cranmer ..	Henry VIII...	Ibid. 769	Cant. Pro. Synod.
1534, May 5	York	Ed. Lee	Henry VIII...	Ibid. 782, and Wake's App. 221.	Provinc. Synod.

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by no means asserted that other and extraneous powers have not been sometimes brought to bear on these subjects; but such managements should be looked upon as warnings, not as examples. The mischievous eccentricities of tyrants which abound in the pages of history may bring forth some fruit in season, if they serve only to put succeeding generations on their guard against repetition of outrage.

It would of course be quite beyond the limit of inquiry here prescribed to attempt even the roughest outline of the history of the Reformation generally in Europe. But it comes within the proper scope of the undertaking before us to trace carefully and distinctly the part which our convocations took in that great change as regarded our own country. And that that part was far more important than has often been represented, will appear to any one who carefully considers the records which bear upon the matter. The Reformation could only have been legally carried on by the formal acts of England's provincial synods; and that such formal acts were passed, both in discarding the jurisdiction of Rome, and in ratifying the authoritative documents, service books, and articles which were subsequently received into this Church, and which now form her code of laws and her authorized ritual, will, it is hoped, appear to be satisfactorily proved as the subject is proceeded with. The great act which led in due course and by a natural succession of consequences to the completion of the Reformation here was, *the rejection of the papal supremacy by the English Church.* This important act was authorized finally and formally by the Convocations of Canterbury and York in the year 1534; and that era must therefore be looked upon as the turning point at which our Church by her own inherent power recovered her ancient liberty, and as the memorable occasion which records a claim asserted by her own voice for the restitution of her just independence. The present period of our inquiry ends with that event, and it will be needful to glance at some of the circumstances which led to it.

III. Circumstances now tending to promote a reformation in religion.

Men's minds throughout Europe were at this period generally directed to the abuses which had grown up in the Roman Church as regarded doctrine and practice, and were busied in investigating the slender foundations upon which that Church

A.D. 1500—1534. Archbps., William Warham, Thomas Wolsey.

rested her assumed title to universal dominion. At the same time, from the over-munificence of Pope Leo X., the papal exchequer had become low, and endeavours were made to recover it by the sale of indulgences.

Luther.

This traffic in the hopes and fears of men in reference to another world—never defensible—was now carried to a shocking extent; and the abuse excited to action, in the year 1517, Martin Luther, a hermit friar of Wittemburg. "He[f] thought the people doubly cheated; and that they not only lost their money, but were in danger of suffering much farther in their spiritual interest." From his exertions a great movement commenced in Germany. The controversy grew warm. Luther was cited[g] to Rome to answer for his boldness. But the Pope being solicited to permit the cause to be tried in Germany, made concession, by consenting[h] that Luther should appear before the legate Cardinal Cajetan at Augsburg. The hermit friar, however, during the conference indulged in too great an exhibition of freedom, and the cardinal taking offence, their meeting was brought to an abrupt termination. Upon this the Pope, fearing lest his authority might suffer by the continuance of the controversy, sent a bull to Cardinal Cajetan, which was published at Lintz, in Austria. This document set forth the value of indulgences, and the power of the Pope, as vicar of Christ, to grant them; maintaining also that such was the doctrine of the Church of Rome, and that her resolutions in faith ought not to be disputed. Luther saw that, if this bull should be accepted as the exposition of the truth, his cause was lost; and as it was evident that there was now no hope of a reconciliation between himself and his antagonist, he began to manage the controversy with less reserve, used more freedom of language, and so widened the breach, already sufficiently alarming. He informed the Pope that so long as he taught the truth his authority should not be opposed: but then[i] he made bold to add, that even his holiness was not exempt from such infirmities as are common to men; that the combat was unequal between so powerful a prelate as the Roman Pontiff and himself; and that he must retreat for protection to a council. Thither, therefore, he referred his case, as to "the[j] last resort of justice, and the highest authority in the Church."

[f] Coll. iv. 19.

[g] Coll. iv. 22.

[h] Ibid.

[i] Coll. iv. 23.

[j] Coll. iv. 23.

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Much excitement, somewhat adverse to the papal claims, was caused by this appeal: upon which Luther, perceiving his doctrines to advance and his party to increase, took up fresh ground, made further inroads upon his antagonist's position, and struck at other points—decrying auricular confession, and assailing the weaknesses of the monastic orders. He made, also, demands of a more pressing character than before, and claimed the restitution of the cup to the laity in the holy communion. To so direct and general attack the Pope thought it necessary to oppose a bold front; he published a bull in which he "condemns[k] forty-two articles in Luther's doctrine, prohibits the reading of his books, and orders them to be burnt." The flame was thus no longer smouldering, but now burst forth with open violence. Luther's resentment was so far kindled when he heard of the burning of his books at the universities of Louvaine and Cologne, that he ventured upon reprisals similar in kind; and before the assembled university of Wittemberg had a fire prepared, into which he threw the Pope's bull and decretals together. These rough proceedings on both sides laid the foundation of the Reformation in Germany, and were not without their effects on the subsequent history of our own country.

[k] Coll. iv. 23.

Removal of large bodies of men from papal jurisdiction.

It was not only in reference to the doctrines taught, that the Reformation of the sixteenth century worked an alteration on the Church at large; but a deep and important change was effected by the blow struck at the indefensible claim of papal supremacy, and by the consequent removal of vast bodies of men from the influence of Roman jurisdiction. The English Church, of old time independent of Rome, had by various arts in which the Popes were well skilled been brought into subjection, but now opportunities appeared to present themselves for the recovery of her ancient liberties. We have seen in former chapters[kk] how ill English Churchmen bore the interference of the Roman see, the mission of legates into this country, and the assembling of synods here under that foreign authority. The general aspect of the affairs of Europe seemed however now to hold out a promise that by the assertion of her just rights the Church of England might free herself from the fear of such encroachments for the future.

[kk] Chap. v. sec. 19, and chap. viii. sec. 11.

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The opportunity was hopeful, and she ultimately made good use of it.

IV. Domestic affairs of K. Henry VIII.

There were, moreover, other circumstances of an unusual character connected with this country at the juncture under consideration, which somewhat tended to affect the current of ecclesiastical affairs.

K. Henry VIII. married early in life Catharine of Arragon, the widow of his elder brother, Prince Arthur. To marry a brother's widow was in direct contradiction to the law of the Church; and therefore, in order to render this second marriage of Catharine a valid one, a dispensation[l] was obtained for its solemnization from Pope Julius II. The children of K. Henry VIII. and of Queen Catharine died young, with the exception of the Princess Mary, afterwards Queen of England. Now as time wore on K. Henry VIII. transferred his affections[m] from his wife to Ann Boleyn, and so cast about to devise means by which he might, under the protecting mantle of law, cover his wickedness in discarding his first partner and joining himself to another. To this end he said that his conscience[n] was vexed at having married his brother's widow. He suggested that he was troubled with fears lest the Pope's dispensation, which allowed him so to marry, was null and void; for though his holiness "could[o] dispense with the canons of the Church, he had no privilege to relax the divine laws." Hence the king argued that his marriage with Queen Catharine was an improper one; and so sought to be absolved from it, in order that he might enter into the holy estate of matrimony with one against whom no such exceptions could be brought—

[l] Coll. iv. 2.

[m] Coll., iv. 64, quotes Cavendish.

[n] Coll. iv. 65.

[o] Coll. iv. 65.

"Conjugium vocat, hoc prætexit homine culpam[oo]."

[oo] Virg. Æn. iv. 172.

It would be out of place here to enter into the interminable correspondences which passed between K. Henry and the Popes on this subject. All the powers which his majesty could bring to bear were exercised to induce the successors of Julius II. to cancel the dispensation which he had given for the royal marriage. And, on the other hand, all the delays which the court of Rome could devise were interposed so as to prevent the conclusion of this thorny business either one way or the other. If their holinesses gave a blank refusal,

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there was danger of bringing down upon themselves the anger of K. Henry VIII. and his ally Francis, the king of France. If, on the other hand, they consented to annul the original dispensation of Julius II., so as to dissolve the marriage of K. Henry with Q. Catharine, and leave him free to marry again, the Emperor Charles V. (who was her nephew) would have been highly displeased, and might have proceeded to exact reprisals of a temporal character in return for such an exercise of spiritual authority. And besides these menacing horns of this dangerous dilemma, there was somewhat else in the way which rendered any advance towards the king of England's wishes exceedingly perplexing. For one Pope to retract documents which another Pope had authorized (though[2], indeed, such a contingency is not without precedent) would be matter of ill example, and might go far to shake the opinions of men in the doctrine of infallibility.

English divines generally favourable to K. Henry's divorce and opposed to the Pope in this respect.

It must be remarked that the English divines were generally favourable to the divorce of K. Henry from Q. Catharine, holding the opinion that in such a matter the original dispensation of Pope Julius II. was a strain of power which he had no right to exercise, and therefore that the acts consequent upon it were null and void. If therefore all submission on the part of the English Church to the court of Rome should be thrown off, and a judgment of the provincial synods of England should be obtained in K. Henry's favour, the most formidable obstacles to his wishes would be removed, and he would be enabled to enter upon his new marriage under ecclesiastical sanction. And, indeed, the Convocation of Canterbury did subsequently, in April, 1533, vote for the divorce, carrying the question by large majorities[p 3]; the York Convocation following their example[q] in the month succeeding.

p Coll. iv. 173.
q Conc. Mag. Brit. iii. 767.

[2] See the case of Apiarius, the African presbyter, and the Canons of Sardica, misquoted by Pope Zozimus, and by him attributed to Nice, and subsequent conduct of Popes Boniface and Cœlestine.—Co l. i. 78—80.

[3] Two questions were debated; I. Was the marrying a deceased brother's wife after consummation of marriage prohibited by God's law and above the Pope's dispensation?—affirmatives, 253; negatives, 19. II. Was the marriage between Prince Arthur and Queen Catharine consummated?—affirmatives, 41.—Conc. Mag. Brit. iii. 756. Vide infra, sec. viii.

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V. Origin of K. Henry VIII.'s notion of becoming head of the clergy.

The king's tyrannical mind could not bear the thought of the English Church regaining her ancient and just liberties without assuring to himself some of that jurisdiction which was to be withdrawn from Rome. This was an opportunity for the exercise of that busy meddling interference which, however constant with him, is a type of his character attracting but little observation, as being eclipsed by the dark and dreary catalogue of infamous crime which shrouds his memory.

A circumstance had taken place in the year 1527 which must not be passed over, as it shews the advances which were made at that time for the emancipation of the Gallican Church, as well as our own, from the usurped jurisdiction of Rome; and as it also is supposed by an authority[r] in such matters to have suggested to K. Henry VIII. the fancy of becoming "head of the clergy." In that year[s] it was "agreed between the kings of France and England that no general council summoned either by the Pope during his restraint (he being then besieged in the castle of S. Angelo by the imperial army) or by the Emperor should be received." And a further agreement was entered into that the two kings should endeavour to "prevail[t] with the clergy of their respective dominions solemnly to protest against any such assemblies." It was also provided[u] that while the Pope remained under durance, if the English prelates with Cardinal Wolsey should make in convocation any regulations for the government of the Church of England, such regulations should be observed, provided K. Henry had given his consent for such a purpose. The same management was also to prevail in France; and the Gallican[v] clergy, with K. Francis, were to stand in the same position in reference to the liberty of self-regulation in ecclesiastical matters there, as was occupied by the English clergy and K. Henry here. And this arrangement, it is said, first suggested the idea to K. Henry VIII. of arrogating to himself the largest possible portion of ecclesiastical jurisdiction, which afterwards, when the English Church had thrown off allegiance to Rome, he succeeded in grasping with greedy rapacity.

[r] Coll., iv. 64, quotes Lord Herbert.
[s] Coll. iv. 64.
[t] Ibid.
[u] Ibid.
[v] Ibid.

Circumstances combined to pro-

Under these preceding circumstances,—the doctrines of the Reformation spreading, the

mote the rejection of the papal supremacy in England.

English Church desiring to be relieved of the authority of the Pope, K. Henry VIII. enraged at not being able to prevail with Clement VII. to dissolve the marriage, the English clergy being opposed to the Pope's views on this subject, and the king having also conceived the fancy of constituting himself "head of the clergy,"—it is no matter for surprise that great results ensued. Wolsey, too, formerly the friend and adviser of the king, and one of the chief supporters of papal jurisdiction here, had of late incurred the hatred of his eccentric and ever changeable master, whose severest strokes of cruelty were always directed against those to whom he was most nearly linked by ties of intimate relationship, or most deeply obliged by acts of special service.

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VI. Meeting of Canterbury Synod, A. D. 1530.

Such was the state of affairs when the Convocation of Canterbury met on the twenty-ninth day of April, 1530, at S. Paul's[w] Cathedral, under Archbishop Warham, and was continued[x] to the twenty-eighth day of March, 1531[y]. This provincial synod is one which deserves special regard, because in it (for the other ecclesiastical business there transacted may be omitted) the concession of the title "supreme head" with a certain qualification was granted to K. Henry VIII., a formal act of which the full and final rejection of papal supremacy by the English Church was the natural and speedy result. This act may therefore be considered to have laid the foundation, though at first perhaps upon a dangerous bottom, of those events which ended in the recovery of our Church's ancient independence on the Roman pontiff, and in the restitution of her doctrines to their primitive purity. It must be borne in mind that, in the latter end of the previous year, 1529, the question of the king's divorce, which had been entertained in this country before Wolsey and Cardinal Campegio, without any steps being made in advance, had been withdrawn to Rome[z]. And then the full stream of the king's wrath was discharged upon Wolsey. He was deprived[a] of the broad seal, despoiled of York Place[b], now Whitehall, and indicted[c] under the statute 16 Rich. II. (the statute of præmunire) enacted against the purchasing or pursuing bulls, instruments, processes, &c. in the court of Rome or elsewhere, against the "king, his crown, and dignity." The cardinal's fate thus declining, as a weight upon descent

A. D. 1530.

[w] Conc. Mag. Brit. iii. 724.
[x] Conc. Mag. Brit. iii. 726.
[y] Conc. Mag. Brit. iii. 746.

[z] Coll. iv. 103 4.

[a] Coll. iv. 105.
[b] Coll. iv. 108.
[c] Coll. iv. 106.

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gathered motion, and never stopped till it reached the bottom of misfortune; for several lords and others of the privy council, according to the usual practice of courtiers when a yoke-fellow has stumbled, fell upon him with the weight of forty-four articles[d] in order to complete his demolition. And though the king showed[e] some kind of relaxation towards him before his death, yet Wolsey remaining incompliant on the subject of the marriage, was arrested for high treason at Cawood, near York, and having set forward to London, in order to answer to the charge, fell sick by the way, and died at the Abbey of Leicester[f], Nov. 26 or 28, 1530.

[d] Coke's Inst., quoted by Coll. iv. 108, & seq.

[e] Coll. iv. 122, 123.

[f] Coll. iv. 114. Rose, Biograph. Dict.

Clergy involved in a præmunire.

It is necessary to premise thus much in this place, as regards Wolsey, because the præmunire in which he was involved was the foot stone on which that plan was laid which entrapped all the clergy of England in a like perplexing snare,—a snare used to extort from them, on the king's behalf, in the convocation now before us a large amount of the goods of this world, and a title more properly connected with that world which is to come.

For when Wolsey fell under the statute of præmunire, the clergy were denounced as being entangled in the same meshes, on account of having acknowledged his legatine authority, and an indictment under the above-mentioned statute was brought against the whole body into the King's Bench. But that they had justly[g] incurred the consequences of so stringent an enactment is more than appears. It is not, however, uncommon to see injustice committed on that order of men by the managements of political partizanship. Their rights, in times of public excitement, have not always been allowed to stand on the foot of the law like those of other subjects. The charge against them was that they had acknowledged Wolsey's legatine authority. But, however much we may regret that the English clergy ever acknowledged any legatine authority whatsoever,—and to do them justice, as we have seen in a previous[gg] chapter, they did take frequent opportunities of resisting it,—yet surely K. Henry VIII. was the last person who should have been hard upon them for such a fault. Besides, the clergy of the province of Canterbury had resisted, to the best of their ability, the endeavour of Wolsey, flourishing with his pall, to withdraw them from their

[g] See Coll. iv. 176, 177.

[gg] Chap. viii. sec. 11.

own proper provincial synod at S. Paul's[h], and to unite them with his clergy of York at Westminster in 1523: and had it not been for the king's assistance the cardinal never would have treated the southern convocation[i] and Archbishop William Warham with that rugged[j] impertinence and cool assumption of superiority which the synod and the metropolitan of Canterbury had to endure at his hands. So long as the cardinal was in favour with the king, no strain of authority over the English clergy was considered too high for him to exercise; but as soon as he fell under K. Henry's displeasure, that very yoke which had been, with the king's full consent and approval, so roughly imposed upon them, was referred to as a badge of their disobedience. When the indictment was brought against them into the King's Bench, it is said that[k] "it was in vain to plead the king had not only connived at the cardinal's proceedings, but made him all that while his chief minister; that therefore they were excusable in submitting to an authority so much encouraged by the king; especially since, if they had done otherwise, they must have been unavoidably ruined. For to all this it was answered, that the laws were still in force, that they ought to take notice of the constitution at their peril, and that their ignorance could not excuse them. However, though by the court's proceeding to a sentence they were all out of the king's protection, and liable to the forfeitures in the statutes, his highness, notwithstanding, was willing, upon a reasonable composition and full submission, to pardon them."

This reasonable composition, upon which so graceful an act of favour was to be extended, amounted in the province of Canterbury[l] to 100,044*l.* 8*s.* 8*d.*, and in that of York[m] to 18,840*l.* 0*s.* 10*d.*[n]; sums of enormous amount when the value of money at that time is considered, having been then worth probably more than twenty times as much as they would be now. In what the full submission consisted, and how it was extorted by degrees, we shall see as we proceed. For K. Henry, perceiving that the English Church was ready to throw off the papal dominion, and that the clergy were involved in a snare, thought this a happy juncture, not only for furnishing his exchequer, but for securing to himself some portion at least of that authority which was about to be denied to the

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[h] Conc. Mag. Brit. iii. 698—700.
[i] Conc. Mag. Brit. iii. 700.
[j] See Wolsey's letter, Conc. Mag. Brit. iii. 660.

[k] Coll., iv. 174, quotes Ant. Brit. Ec. p. 325.

[l] Conc. Mag. Brit. iii. 725.
[m] Coll. iv. 175.
[n] Conc. Mag. Brit. iii. 744.

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Roman See. And so, having entangled not only the clergy of England in a præmunire, but a good part of the laity too [o], he resolved to improve his opportunity, and push his advantage.

[o] Att. Rights, p. 81.

The king endeavours to extort from them the title of "supreme head."

Now the English clergy were prepared to reject the papal jurisdiction. But to confer the title of "supreme head" of the Church upon K. Henry, a distinction much coveted by his majesty, was, to speak softly, an exceptionable proceeding to which they were unwilling to lend themselves, notwithstanding the impending præmunire. Menacing, however, with this frightful weapon, the king came down upon the southern synod, bidding them deliver up a subsidy of the extraordinary amount before mentioned. This subsidy passed both houses in the Convocation of Canterbury [p], on the 24th of January, 1531 N.S. But into the document which named the amount granted there was introduced an expression of a new and startling character. It ran thus:—"[4] of the English Church and clergy, of which the king alone is protector and supreme head [q]."

[p] Conc. Mag. Brit. iii. 725. 742.

[q] Coll. iv. 177.

The clergy resist.

Cranmer and Cromwell were suspected of having suggested this form to the king. But with whomsoever the fancy originated it surprised the clergy above measure. They had voted their money on the 24th of January, but when they found the form in which the subsidy was to be presented, they were at a stand, being doubtful as to the extent of meaning to be attached to this dark phrase, and apprehensive lest dangerous consequences might ensue [r]. The matter first came into discussion on the 7th of February, the debate was again renewed on the 8th, and through three sessions, viz., on the 8th, 9th, and 10th of February, endeavours were made [s] to induce the king to modify the offensive clause. The lower house specified their reason for resistance. It was [t] "lest perchance, after a long lapse of time, the terms so generally included in the article might be strained to an obnoxious sense [5]"—a reason which subsequent history has

[r] Conc. Mag. Brit. iii. 725.

[s] Conc. Mag. Brit. iii. 725.

[t] Att. Rights, p. 82.

[4] "Ecclesiæ et cleri Anglicani cujus protector et supremum caput is solus est."—Conc. Mag. Brit. iii. 725.

[5] "Ne forte post longævi temporis tractum, termini in eodem articulo generaliter positi in sensum improbum traherentur."—Att., Rights, p. 82, quotes ex actis MSS.

proved, was dictated by the exercise of a wise and prudent forethought [u].

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The king somewhat recedes.

The king, finding them firm in their resolve, relaxed somewhat, and sent down by the hands of Lord Rochfort the article couched in less offensive terms, stating that—"the king alone is protector and supreme head, AFTER GOD, of the English Church and clergy[6]." But yet this would not pass. They determined to run all hazards rather than submit to a term which might in after times be construed to the disadvantage of the spiritual authority of the Church, and on which might be laid the foundations of such managements as would transfer the divine jurisdiction connected with the commission of the Galilæan mount into the hands of the secular magistrate.

[u] Coll. i. 178, & Att. Rights, p. 83.

The title granted with a salvo.

Their fortitude on this occasion proved most serviceable. They had fought a battle at uneven odds, on difficult ground, and under adverse circumstances, but they maintained their position, and justly earned the gratitude of the Church in later times. Their resolution was not unrewarded, for on the 11th of February Archbishop Warham brought down to them a more inoffensive[v] form, which he informed them the king was willing to accept. The terms of it ran thus:—"of the English Church and clergy, of which we recognize his majesty as the singular protector, the only and supreme governor, AND, SO FAR AS THE LAW OF CHRIST PERMITS, even the supreme head[7]." With this saving clause, which most assuredly guarded against any spiritual authority being assigned to the temporal magistrate beyond that which the Lord Himself, the true Head of the Church, had authorized, the article passed. Indeed, the convocation appeared to think, whatever opinions they may have formed on the treatment they had received, that there was here no just cause for open remonstrance, for when Archbishop Warham proposed the question, "most of the members said nothing[w]." He then remarked, "whoever[8] is silent gives consent," upon

[v] Conc. Mag. Brit. iii. 725. Coll. iv. 179. Att. Rights, 83.

[w] Coll. iv. 178.

[6] "Cujus protector et supremum caput post Deum is solus est."—Conc. Mag. Brit. iii. 725.

[7] "Ecclesiæ et cleri Anglicani, cujus singularem protectorem, unicum et supremum dominum, et, quantum per Christi legem licet, etiam supremum caput, ipsius majestatem recognoscimus."—Conc. Mag. Brit. iii. 725.

[8] "Qui tacet consentire videtur."

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which a reply was immediately made, "then we all are silent[g]." Thus the matter passed in the morning session[x]. But the king, having receded so far from his original demand, was resolved to have a more explicit consent than such as was signified by silence only; and the debate being resumed in the afternoon[y], the clause in the schedule of the subsidy, as last recited, was formally agreed to by both houses. The archbishop and all the bishops who were present, eight in number, together with sixty-two abbots and priors, subscribed to it in the upper house. In the lower house thirty-six members voted for it, bringing in the proxies of forty-eight more, and this number of eighty-four, obtaining a majority, carried the matter there. This title, therefore,—"supreme head so far as the law of Christ permits,"—as applied to Henry VIII., dates from the session of the Canterbury Convocation, held February 11th, 1531 N.S.

x Att. Rights, p. 83.

y Att. Rights, pp. 83, 84.

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Proceedings of York Synod in this business.

The dispute being thus smoothed over in the Canterbury Convocation, the money voted, and the desired title granted, though divested of a great share of its original assumption by the addition of the saving clause, the king signed[z] a bill for the pardon of the clergy of the southern province, which the lords passed in parliament, but at which the commons demurred. Their reason was, that they were not themselves included in the release. However, being advertised that they[a] were not to make their own terms for an act of grace, they gave way, and the bill was carried. But this extended to the province[b] of Canterbury only, the northern synod, therefore, had to follow the example of their southern brethren before the indemnity could be secured by themselves. Still, notwithstanding the threatening storm, the York clergy delayed to take shelter; the title of supreme head, even with the salvo, met with far greater[c] obstructions there, so that, after much debate and frequent adjournments, no resolution upon the point was arrived at in that convocation until[d] May 4, 1531. And even though the unpalateable clause was then passed, the grant of their subsidy being made[e], "mutatis mutandis," in the same form as that of Canterbury, yet Tunstal, Bishop of Durham, felt it his duty to enter his protest against the proceedings. As this venerable prelate

z Coll. iv. 180.

a Coll. iv. 180.

b Att. Rights, p. 84.

c Coll. iv. 180.

d Conc. Mag. Brit. iii. 744-5.

e Ibid.

g "Itaque tacemus omnes."

had a great reputation as being one[f] of the best, most moderate, and learned prelates of his time, his protest, which contains much weighty matter, is worthy of perusal.

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[f] Att. Rights, p. 85.

Bishop Tunstall's protest.

"This[g] clause," said the bishop, "seemed to have an inoffensive appearance at the first view; but considering that some persons lately prosecuted upon suspicion of heresy have interpreted these words to an ill sense, questioned the jurisdiction of their ordinaries, and endeavoured to shelter themselves from the censures of the Church; for this reason, I conceive, this recognition ought to be couched in terms more precise and distinguishing. For if the words hold forth no more than this meaning, that the king is, under Christ, supreme head in his dominions, and particularly of the English clergy in temporal matters, this, as it is nothing more than we are all willing to acknowledge, so to prevent all misconstructions from heretics the clause should be put in clear and decisive language. But, on the other side, if we are to understand that the king is supreme head of the Church, both in spirituals and temporals, and that this supremacy is conferred on him by the laws of the Gospel—for thus some heterodox and malevolent persons construe the proviso "as far as the law of Christ permits"—then this construction being repugnant, as I conceive, to the doctrine of the Catholic Church, I must dissent from it. And notwithstanding the clause, *as far as the law of Christ permits*, may be taken by way of limitation and restriction, yet, because the proposition is still somewhat involved, I think it ought farther to be discharged from ambiguity. For supreme head of the Church carries a complicated and mysterious meaning; for this title may either relate to spirituals, or temporals, or both. Now when a proposition is thus comprehensive and big with several meanings, there is no returning a single and categorical answer. And, therefore, that we may not give scandal to weak brethren, I conceive this acknowledgment of the king's supreme headship should be so carefully expressed as to point wholly upon civil and secular jurisdiction. And with this explanation the English clergy, and particularly myself, are willing to go the utmost length in the recognition. But since the clause is not at present thus guarded and explained, I must declare my dissent, and desire my

[g] Conc. Mag. Brit. iii. 745. & Coll. iv. 181.

A.D. 1531. Archbishop, William Warham. See of York vacant.

protestation may be entered upon the journal of the convocation."

Thus the venerable prelate, Tunstall, Bishop of Durham, delivered his scruples on the subject; and it was, if not to this protest, at any rate to some paper of a like tendency that the king indited a response of a prolix character, which in some respects is worthy of observation[h], as shewing that even his majesty's encroaching spirit was satisfied with a somewhat smaller share of authority in spiritual matters, than has been sometimes claimed as the necessary result of his policy and management on this occasion.

[h] See Coll. iv. pp. 182-3.

These acts of the two provincial synods the forerunners of 24 Hen. VIII., c. 12.

Such, then, were the first formal steps, authorized by our provincial synods, which led to the final rejection of the papal power in England. They consisted in the title granted to K. Henry VIII. by our two provincial synods, and running in these words, "We recognize his majesty as the singular protector, the only and supreme governor, and, *so far as the law of Christ permits*, even the supreme head of the English Church and clergy." This was agreed to, as has been said, in the Convocation of Canterbury, on the 11th[i] of Feb., 1531 N.S., and in that of York on the 4th[j] of May, 1531. And though it may appear somewhat pertinacious to repeat facts and to insist with such exact precision on the dates of the formal acts which passed at this eventful period, yet surely it is pardonable so to do, in order to shew that in such matters the acts of our synods preceded, and did not follow, the acts of the imperial legislature. The contrary is so frequently and so boldly asserted, that it is peculiarly necessary in these days to specify the landmarks of history and define the eras of time, in order to settle the truth on its legitimate foundations. This remark is here made in reference to the statute "*for the restraint of appeals*[k]" which, as gentlemen learned in the law are well aware, was passed in the parliament which assembled Feb. 4, 1533 N.S., notwithstanding the very surprising announcements respecting its date which emanated from the Court of Queen's[kk] Bench in 1850. That act, therefore, restraining appeals to Rome, was a successor to these decisions of our convocations respecting the royal supremacy, not their precursor; and this arrangement that spiritual

[i] Conc. Mag. Brit. iii. 725.

[j] Conc. Mag. Brit. iii. 744-5.

[k] 24 Hen. VIII. c. 12.

[kk] Vid. inf. chap. xi., sec. II. § 3.

matters should be first treated of in synods and then reduced to law in parliament was usually practised at the time we are considering, in accordance with the ancient constitution of our country, and in direct contradiction to those principles which the glosses of latter days represent to have prevailed at the time of the reformation. For we are to consider that the papal supremacy had already been virtually renounced by the English Church, though the decision was not formally and finally ratified until three years afterwards, as will presently appear. A.D. 1531. K. Henry VIII.

VII. Canterbury synod A.D. 1532.

We now take leave of the provincial synods of Canterbury and York, which broke up on the 28th[l] of March and 4th[m] of May, 1531 respectively, and pass on to some matters which, in point of time, must be considered before we come to the last formal step which concluded the rejection of the papal supremacy in England[n]. A.D. 1532.

[l] Conc. Mag. Brit. iii. 746.
[m] Conc. Mag. Brit. iii. 744.
[n] Vid. postea, p. 351

The Convocation[o] of Canterbury met again on the 16th of October, 1531, and was continued to the 21st of March, 1532 N.S. That assembly was engaged in ecclesiastical business, such as testamentary matters, clergy discipline, and the submission of Mr. Hugh Latymer, subjects unnecessary to dwell on in our present inquiry. From the day last mentioned the assembly was continued to the 12th[p] of April, 1532; and as in the sessions resumed on that day a submission on the part of the clergy in convocation was made, which has exerted a remarkable influence on the subsequent history of our Church, the acts of this synod deserve the most careful consideration.

[o] Conc. Mag. Brit. iii. 746.

[p] Conc. Mag. Brit. iii. 748.

Complaint of king and commons against the clergy.

On the 12th of April, 1532, the Convocation of Canterbury met in the chapter-house[q] at Westminster; and on the first day of their assembly Archbishop Warham introduced[r], as the subject for discussion, a supplication which had been presented to the king by the lower house of parliament against the "archbishops[s], bishops, or ordinaries." The lower house of convocation was informed that the king required a speedy answer, and the document submitted for their consideration was handed to the prolocutor, in order that he might read it to the assembly. The supplication of the commons contained several articles of complaint[t]; but those chiefly insisted on, and which indeed constituted the chief burden of their

[q] Conc. Mag. Brit. iii. 748.

[r] Conc. Mag. Brit. iii. 748.

[s] Conc. Mag. Brit. iii. 748.

[t] Att. Rights, p. 86.

A.D. 1532. Archbps., William Warham, Edward Lee.

alleged grievance, were 1st, that[u] the ecclesiastical laws then in force, that is, the *old* canonical constitutions, contained many things injurious to the king's prerogative, and burdensome to the subject; and 2ndly, that the clergy claimed to enact *new* canons by their own sole authority, without consent of the crown. These complaints, if not previously forged on the royal anvil to serve as weapons ready made for this sally of the then subservient commons, were, at least, likely to prove acceptable to the king's hands. For they were serviceable not only for making a thrust at the clergy, but for securing to his majesty, in the collision of forces which was likely to ensue, a fresh accession of ecclesiastical jurisdiction. To these complaints the clergy made a reply which was approved in the upper house of the synod on April 15th[v]; and in the lower four days afterwards, on the[w] 19th of the same month.

Clergy's first reply.

This reply was drawn by way of address to the king[x]. The clergy express themselves with great deference to the royal authority, declare that they have considered the supplication of the commons; and in accordance with the king's command now make answer "beseeching[y] his grace's indifferent benignity graciously to hear the same." As regarded the complaint touching the *old* canons and constitutions, they suggest that their authority was grounded[z] upon the Scripture of God and the determinations of the Church, which should be "the rule[a] and square to try the justice of all laws, as well spiritual as temporal:" they trust, as the laws of this realm have been "made[b] by most Christian, religious, and devout princes and people," and have proceeded from one fountain, that so, if sincerely interpreted, there will be found no inconsistency between the regulations of Church and State, but that the one will conduce to aid[c], maintain, and support the other. But if it should appear otherwise, they assure the king that they will endeavour to "reform[d] their ordinances to God's commission, and to conform their statutes and laws" to the determination of Scripture and of the Church; and at the same time they express a devout hope that the crown and people of England will temper the laws temporal of this realm in such sort that there may "ensue[e] a most sure and perfect conjunction and agreement, as God being '*lapis angularis*,' to agree and

[u] Att. Rights, p. 86.

[v] Conc. Mag. Brit. iii. 748. & Att. Rights, p. 87.

[w] Conc. Mag. Brit. iii. 748. & Att. Rights, p. 87.

[x] Conc. Mag. Brit. iii. 750. Att. Rights, p. 87. Coll. iv. 188.

[y] Conc. Mag. Brit. iii. 750.

[z] Conc. Mag Brit. iii. 751.

[a] Conc. Mag. Brit. iii. 751.

[b] Conc. Mag. Brit. iii. 751.

[c] Conc. Mag. Brit. iii. 751.

[d] Conc. Mag. Brit. iii. 751.

[e] Conc. Mag. Brit. iii. 751.

conjoin the same." Thus far their reply as regarded the old canons and constitutions of the Church. In reference to the desire, that the royal assent should be required for the ratification of *new* canons to be made by the Church, they think that they may not in such sort absolutely "restrain[f] the doing of their office in the feeding and ruling of Christ's people." But they so far decline from any intention of bringing themselves into collision with the crown, that their words are, "we most humbly[g] desire your grace so from henceforth to shew your grace's mind and opinion to us what your high wisdom shall think convenient;" and this in order that they might attend and act accordingly, under God's direction. Further, they desire[h] the king to follow the steps of his progenitors, to defend such laws as the clergy, according to their calling and by the authority of God, shall make for his honour, the edification of virtue, and the maintenance of Christ's faith. Of this faith they take leave to remind the king that he is[i] defender in name, and has, up to this time, been a special protector in deed. They conclude[j] by desiring the king to discharge from his mind every suggestion that they had endeavoured to presume or usurp beyond their proper bounds, and add their hope that he will excuse them from any such imputations.

A.D. 1532. K. Henry VIII.

[f] Conc. Mag. Brit. iii. 751.

[g] Conc. Mag. Brit. iii. 751.

[h] Conc. Mag. Brit. iii. 751.

[i] Conc. Mag. Brit. iii. 751.

[j] Conc. Mag. Brit. iii. 752.

It is believed that Stephen Gardiner, Bishop of Winchester, had the chief hand in drawing up this address, as a letter of his is[k] extant in which he excuses himself upon the matter, though without receding[l] from those principles which were contained in it. But neither the address nor the letter were at all satisfactory to his majesty, who forwarded the former to the speaker of the House of Commons with this remark, "We think this answer will smally please you, for it seemeth to us very slender. You be a great sort of wise men; I doubt not you will look circumspectly on the matter, and we will be indifferent between you." That the king ever was or ever could be an indifferent mediator in such a business, in his own sense of the word, is incredible. That he was so in its modern acceptation is matter of history.

[k] Conc. Mag. Brit. iii. 752. Att. Rights, App. v. (a.)

[l] Coll. iv. 190.

Clergy's second reply.

The convocation were now under the necessity of entering further upon the matter, and their debates were resumed on Monday[m], April 29th, 1532, and

[m] Att. Rights, p. 87.

A.D. 1532. Archbps., William Warham, Edward Lee.

continued to the following Monday, May 6th, without effect. On that day the[n] prelates desired the lower house to draw a fresh reply; and consequently a committee was appointed and a new document penned. This was laid before the upper house on Wednesday[o], May 8th. Upon the assent of the upper house being signified to this second reply[p], which was drawn with great spirit and firmness, the Bishops[q] of London and Lincoln, the Abbots of Westminster and Burton, Sampson, dean of the chapel, and Fox the almoner were appointed to present it to the king, and. at the same time, to be instant with him for the protection of the immunities and privileges of the Church. The convocation was then continued to the following Friday[r], May 10th. in order that the king's opinion, on this second reply of the clergy, might be obtained.

[n] Att. Rights, p. 88.
[o] Att. Rights, p. 87.
[p] See Conc. Mag. Brit. iii. 753. & Coll. iv. 190.
[q] Att. Rights, p. 89.
[r] Att. Rights, p. 89.

The clergy's second reply turned upon two points, 1st[s], as regarded *new* constitutions to be made by them; 2ndly, as regarded *old* constitutions to be reformed by them. In reference to the first, they argue from the plain history of the Christian Church that, in[t] matters of faith and good manners necessary to the soul's health, the Church has a spiritual jurisdiction and judicial power, and that such authority[u] has[v] always been allowed to the spiritualty by Christian princes, whose consent to the laws of the Church is involved not only in the princes' own submission to the faith Catholic, but is ratified by themselves, first generally at their baptism, and after, more specially and most commonly by their corporal oaths at their coronation. They remind the king that the authority which the clergy claim was asserted to belong to them most vehemently by himself, in his book written against Martin Luther; and this essay they reckon that of his honour he cannot, so of his goodness he will not revoke. But they so far give way as to say that they will not[w] publish or put forth any constitutions without his highness' consent, except they concern the maintenance of faith and morals, and the reformation and correction of sin. Thus far they delivered their sentiments in respect to the enactment of *new* constitutions.

[s] Att. Rights, p. 88.
[t] Conc. Mag. Brit. iii. 753. Coll. iv. 191.
[u] Ibid.
[v] Ibid.
[w] Conc. Mag. Brit. iii. 754.

As regarded the *old* constitutions they say, if there be any such containing matter contrary to the laws temporal, and the royal prerogative, not being now in use, and not concerning

the faith or reformation of sin[x], that they will right gladly in that part revoke them.

A.D. 1532. K. Henry VIII.

[x] Conc. Mag. Brit. iii. 754. Coll. iv. 193.

Articles of submission transmitted to the synod.

When this reply was offered to the king he was still unwilling to be satisfied, and ordered a form to be delivered to Fox the almoner, which he was to carry back to the synod with a request that the members would sign it. The convocation had been, as was said, continued to[y] Friday, May 10th, and on that day Fox reported the dissatisfaction of the king, and produced the fresh document, with nothing less than which his majesty, as was said, would be content. It was couched in these words :—

[y] Att. Rights, p. 89.

1. "That no[z] constitution or ordinance shall be hereafter by the clergy enacted, promulged, or put in execution, unless the king's highness do approve the same by his high authority and royal assent; and his advice and favour be also interponed for the execution of every such constitution among his highness' subjects."

[z] Att. Rights, p. 89. Coll. iv. 193. Conc. Mag. Brit. iii. 749. These Articles are taken from the copy in the acts of convocation cited by Atterbury, ut sup.

2. "That whereas divers of the constitutions provincial, which have been heretofore enacted, be thought not only much prejudicial to the king's prerogative royal, but also much onerous to his highness' subjects, it be committed to the examination and judgment of thirty-two persons, whereof sixteen to be of the upper and nether house of the temporalty, and other sixteen of the clergy; all to be appointed by the king's highness, so that, finally, whichsoever of the said constitutions shall be thought, and determined by the most part of the said thirty-two persons, worthy to be abrogate and annulled, the same to be afterward taken away and to be of no force and strength."

3. "That all other of the said constitutions, which stand with God's law and the king's, to stand in full strength and power, the king's highness' royal assent given to the same."

Proceedings of the synod on the articles of submission.

When Fox brought these three articles down to the convocation on Friday, May 10, they were read[a] over first in S. Catharine's, and afterwards in S. Dunstan's Chapel within the monastery at Westminster. The result of the ensuing debate was that four of the upper house, viz. the[b] Bishops of Lincoln and Bath and Wells, the Abbots of Westminster and S. Bennett's, together with six of the lower house, viz. Fox, Powell,

[a] Conc. Mag. Brit. iii. 749. Att. Rights, p. 90.

[b] Att. Rights, p. 90.

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Wilson, and Duck doctors of divinity, with Raynes and Cliff doctors of law, adjourned to the residence of Fisher, Bishop of Rochester, for his advice in this perplexing business. In expectation of the result of their counsels the convocation was continued [c] to Monday, May 13.

[c] Conc. Mag. Brit. iii. 749. Att. Rights, p. 90.

Now Fisher's principles, which afterwards cost him his life, when it had extended to the lengthened term [d] of seventy-seven years, were by no means likely to suggest such courses as would be acceptable to the king, who, on hearing to whom the matter was referred [e], "sent for the speaker of the House of Commons," and complained to that gentleman that "the clergy were but half his subjects." In order to justify this imputation upon them, he remarked upon the inconsistency between the oaths taken to himself and to the pope by the dignified prelates, and ordered that those documents should be read [f] in Parliament, in order to draw attention to the subject, and awe the clergy generally into a more complete submission, and an acceptance of the three articles lately transmitted to them.

[d] See Coll. iv. 274.

[e] Coll. iv. 194.

[f] Ibid.

This management of the king, supported by the parliamentary influence [g], wrought so effectually upon the convocation, which met on Monday, May 13th, according to the continuation from the previous Friday, to discuss the three articles before mentioned, that the upper house assented to the king's terms [h] on the first article, which treated of *new* canons and constitutions; and they agreed [i] "not to enact, promulge, or put in execution any constitution by them to be made in time coming, unless the king, by his royal assent, should license them to make, promulge, and execute such constitutions, and the same, so made, should approve by his highness' authority." To this promise, framed upon the first article proposed, and relating to new constitutions, the lower house also consented, with, however, one condition, that the concession should be confined to the term [j] of the king's natural life [k]. But upon the second article, which referred to *old* canons and the proposed commission of thirty-two persons for their review, neither of the houses [l] would come up to the royal demands. They, however, agreed to refer all [m] the old canons to the judgment and examination of the king himself, promising to moderate or annul them according to his grace's judgment, by their own ecclesiastical authority, but with the addition of

[g] Att. Rights, p. 91.

[h] Att. Rights, p. 534. & Conc. Mag. Brit. iii. 752.

[i] Att. Rights, p. 91.

[j] Conc. Mag. Brit. iii. 752.

[k] Att. Rights p. 91.

[l] Att. Rights, p. 91. Coll. iv. 197.

[m] Conc. Mag. Brit. iii. 753.

a general proviso[n], "saving all such immunities and liberties of this Church of England, as had been granted by the king's ancestors, together with such[o] constitutions provincial as do stand with the laws of Almighty God and Holy Church."

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[n] Conc. Mag. Brit. iii. 753.

[o] Conc. Mag. Brit. iii. 753.

The latter clause of this submission, which seemed to leave the abrogation of old canons ultimately at the discretion of the synods[p], and made them "masters of any doubtful construction," gave the king no contentment; nor was he satisfied with the restriction to the term of his natural life, relative to new canons, as inserted in the first clause; so he pressed on the clergy more closely, rose higher in his demands, and transmitted to them at their next session[q], on Wednesday, May 15th[r], another form, without the limitation as to his life, or any reserve whatsoever.

[p] Coll. iv. 198.

[q] Att. Rights, p. 92.

[r] Att. Rights, App. p. 537.

Of this new document the terms were that "they[s] should never, from thenceforth, presume to attempt, allege, claim, or put in ure, or to enact, promulge, or execute any canons, constitutions, or ordinances provincial, without leave of the crown." And this restraint appears to have been meant to extend both to *old* and *new* canons at once,—the first part of the clause referring to the former, the last part to the latter. This form was considered by the convocation as too extensive in its claims, and over-rigorous in its restraint; it seemed to disable their spiritual authority, and extinguish their proper functions. They thought they had previously receded from their ancient position far enough, and positively refused[t] to take this last step backwards. To compel them to do so, the king sent six noblemen to hold a conference with the upper house[u], viz., the Duke of Norfolk, the Marquis of Exeter, the Earl of Oxford, and Lords Sands, Bullen, and Rochford. After an hour's conference, these noblemen carried back to the king the final resolution of the prelates, that whatever[v] might be the consequence of the refusal, they would not submit to the terms proposed as regarded the *old* canons. But while this conference between the prelates of the upper house was going on, the lower house were engaged also in debating the matter. The attack opened by the king and his commons prevailed more easily there, and the lower clergy carried the form transmitted in its entirety; the minority opposing the first article amounting only to eighteen, and that

[s] Att. Rights, p. 92.

[t] Att. Rights, p. 92.

[u] Att. Rights, p. 93. Coll. iv. 198.

[v] Att. Rights, p. 93.

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opposing the second and third to nineteen; eight members in the former case, and seven in the latter declining to vote at all. When the prolocutor came up with the resolution of the lower house, admitting the whole of the terms proposed by the king, the archbishop made known the answer which the upper house had sent to his majesty, and adding that "he[w] expected the return of the king's messengers, with some abatement of the terms of submission," desired the lower clergy to retire to their own house, and await the event. About noon the lords[x] returned with the welcome intelligence that the king would consent to the submission, without the terms which gave so much reasonable offence to the prelates, and would be satisfied if they promised not to "enact[y], put in ure, promulge, or execute any *new* canons[1]."

[w] Att. Rights, p. 93.

[x] Att. Rights, p. 93.

[y] Att. Rights, p. 93.

Final form of submission passed in the synod.

Upon this foundation a new draft of submission was executed, and agreed to by all the members of the upper house[z], the Bishop of Bath and Wells only excepted[a]; the Bishops of London, Lincoln, and S. Asaph admitting it under conditions. When this[b] last and less stringent submission was proposed to the lower house, they considered that their consent to it was involved in the more ample form to which they had agreed in the morning, and therefore thought it needless to put the matter to the vote. This draft of the upper house was the only form presented to the king, and is therefore the only authentic one[c]. It was carried up by Archbishop Warham[d], on the following day, Thursday, May 16, 1532; and as it is a document of the highest importance to the English Church, and also as it led to a subsequent statute[e], which has exerted a very sensible influence over her movements, a copy of it is given in full in the note[2]. Upon perusal it will appear that

[z] Att. Rights, p. 94.

[a] Conc. Mag. Brit. iii. 749.

[b] Att. Rights, p. 94. & Coll. iv. 199.

[c] Conc. Mag. Brit. iii. 749.

[d] Conc. Mag. Brit. iii. 754. & Att. Rights, p. 94.

[e] 25 Hen. VIII. c. 19.

[1] This point is worthy of consideration, as suggesting that the words "attempt," "allege," "claim," in 25 Hen. VIII. c. 19, refer to *old* canons only.

[2] "We, your most humble subjects, daily orators and beadsmen of your clergy of England, having one speciall trust and confidence in your most excellent wisdom, your princely goodnesse, and fervent zeal to the promotion of God's honor and Christian religion, and also in your learning, farr exceeding in our judgment the learning of all other kings and princes that we have reed of, and doughting nothing but that the same shall still continew and dailey increase in your majesty, — first do offer and promise in verbo sacerdotii here unto your highness, submitting our selfs most humbly to the same, that we will never from henceforthe enact,

this submission, extorted from the clergy, comes up in substance to the demands made originally by the three articles sent down to the convocation by the hands of Fox, the almoner, on the 10th of May. Their promise amounts briefly to this—that they would not enact any new canons without the royal assent, and that the old canons should be reviewed by the king and a body of thirty-two commissioners, with a view to a reform in the laws ecclesiastical[f],—but whether the moral obligation of such promise was more than personal, and died not with the makers of it, has been questioned. Upon the conclusion of this business, the convocation was continued to November 5th, 1532.

A.D. 1532. K. Henry VIII.

[f] Att. Rights, pp. 95. 98.

It has been thought necessary to give a detailed and precise account of these debates, on account of the effects which followed the decisions arrived at; since this submission of the clergy, agreed to on Wednesday, May 15th, 1532, laid the foundation for that important act[g], usually termed the Clergy Submission Act, which was passed in the early spring of 1534 N.S. For I must take leave again to say that such is the date of this act, notwithstanding that remarkable essay in history, which lately[h] proceeded from the united judgment

[g] 25 Hen. VIII. c. 19.

[h] April 25, 1850.

put in ure, promulge, or execute any newe canons or constitution provinciall, or any other newe ordinance, provinciall or synodall, in our convocations or synode, in time commyng, which convocation is, alway hath byn, and must be assembled onely by your high commandment of writte; only your highness, by your royall assent, shall lycence us to assemble our convocation, and to make, promulge, and execute such constitutions and ordinaments, as shall be made in the same, and thereto give your royall assent and authorite. Secondarily that whereas diverse of the constitutions, ordinaments, and canons provinciall or synodall, which have been heretofore enacted, but thought to be not only muche prejudiciall to your prerogative royall, but also over muche onerous to your highnesses subjects: your clergye aforesaid is contented, if it may stand so with your highnesses pleasure, that it be committed to the examination and judgment of your grace, and of thirty-two persones, whereof sixteen to be of the upper and nether house of the temporalte, and other sixteen of the clergye, all to be chosen and appointed by your most noble grace. So that, fynally, whichsoever of the said constitutions, ordinaments, or canons provinciall or synodall shall be thought and determyned by your grace, and by the most part of the said XXXII persons, not to stand with God's laws, and the laws of your realme, the same to be abrogated and taken away by your grace and the clergye. And such of them as shall be seen by your grace, and by the most part of the said thirty-two persones to stand with Goddes lawes, and the lawes of your realme, to stand in full strength and power, your grace's most royall assent and authorite ones impetrate fully given to the same."—Conc. Mag. Brit. iii. 754-5. Ex Regist. Warham in ann. 1532.

A.D. 1532. Archbps., Thomas Cranmer, Edward Lee.

of the learned lord chief justice and the other justices of the Court of Queen's Bench, assigning to it a different position in the chronology of our national records. In this instance of legislation, whatever other charges may be raised against its moderation, at least the ancient principle was again adhered to, that conclusions touching ecclesiastical law should first be arrived at in synods and afterwards confirmed by the temporal sanctions of the civil legislature—a principle more scrupulously observed during this period now under review than many writers would have us believe.

A.D. 1533.

VIII. Judgment of the two provincial synods on K. Henry's and Q. Catharine's marriage.

The provincial Synod of Canterbury, after the debates on the submission were concluded, was continued to Nov. 5, 1532, and thence[h] through several sessions to the 26th of March, 1533. On that day it met at S. Paul's[i]. Archbishop Warham[j] had departed this life in the previous August; his successor in the see of Canterbury, Archbishop Thomas Cranmer, now brought down to the convocation documents[k] connected with the divorce of K. Henry from Q. Catharine, as well as some opinions[l] of foreign universities on this subject. The determination of the faculty of theology at Paris, which embraced[m] the judgment of the other universities, appears to have carried much weight with it, and to have been referred to as a precedent[n] upon which the convocation might safely order their proceedings and frame their conclusions. The debate was carried on warmly, and extended through several sessions. On the 28th of March the upper house, consisting[o] of the Bishops of London, S. Asaph, and Lincoln, with thirty-six abbots and priors, assented to the judgments of the foreign universities, that the royal marriage was void. The question appears to have been divided into two heads for the consideration of the lower house. On the second of April[p] it was determined[4] by a majority there, 1st, that "it was unlawful[q] to marry a deceased brother's wife," for that such a "prohibition[r] of the divine law could not be dispensed with by the Pope;" and 2ndly, on the following day (April 3) it was determined[s] that the original marriage between the Prince Arthur and Q.

[h] Conc. Mag. Brit. iii. 749.

[i] Conc. Mag. Brit. iii. 756.

[j] Coll. iv. 201.

[k] Conc. Mag. Brit. iii. 756.

[l] Conc. Mag. Brit. iii. 756.

[m] Conc. Mag. Brit. iii. 756.

[n] Conc. Mag. Brit. iii. 756.

[o] Conc Mag. Brit. iii. 756.

[p] Conc. Mag. Brit. iii. 756.

[q] Conc. Mag. Brit. iii. 756.

[r] Conc. Mag. Brit. iii. 756.

[s] See note sup. sec. 5.

[4] Affirmatives in the whole convocation, 253; negatives, 19; according to Coll. iv. 173.

A.D. 1533. K. Henry VIII.

Catharine had been consummated. On the 5th of April Dr. Tregunwell, counsel on the king's behalf, appeared (Master Rolland Lee appearing[t] for the same purpose on May 13 in the York convocation); and these gentlemen having made statements on the part of his majesty[u] and the nobles of the realm, to the effect that matters concerning the king and the unburdening of his conscience had been debated in the convocations, desired that public instruments should be prepared from their authentic documents, setting forth the conclusions which had been arrived at. These instruments[v] were accordingly drawn, and the judgment of the English[w] Church is here recorded against marriage with a deceased brother's wife. It is not improbable but that the question of marriage with a deceased wife's sister might, if formally raised, be decided in the same way by the same authority[5]. It therefore behoves those who move in this question, at the present time, to proceed with cautious steps, lest perchance by a heedless advance they may stumble into some serious difficulty of which they have neither perceived the magnitude nor the consequences. Neither should it be forgotten that the legitimacy of the crown of England, in the person of Q. Elizabeth, was involved in the solution of this question, and that considerations of no common gravity on that score are connected with it. But to confine ourselves to our proper subject, the same determinations on this matter with those of the province of Canterbury were agreed to, as was before observed, by the Convocation of York[x], two members only dissenting there from each point proposed, fifty-one[y] voting by themselves or by proxy upon the first, and forty-nine or fifty on the second.

[t] Conc. Mag. Brit. iii. 767.

[u] Conc. Mag. Brit. iii. 757.

[v] Conc. Mag. Brit. iii. 757 8. 767-8.

[w] Conc. Mag. Brit. iii. 757-8. 767-8.

[x] Coll. iv. 212.

[y] Conc. Mag. Brit. iii. 767.

After the affair of the divorce was concluded by the decision of the two provincial synods, the[z] formal sentence was pronounced by Archbishop Cranmer in the church of S. Peter, at Dunstable, in the diocese of Lincoln, on the 23rd of May, 1533. This place[a], it is said, was chosen because Q. Catharine resided in the neighbourhood, at Ampthill, and, as being near, could not pretend to ignorance of the proceedings, and so subsequently interpose delays to the conclusion of the process;

[z] Conc. Mag. Brit. iii. 759.

[a] Coll. iv. 215.

[5] Such a marriage is forbidden by the table of kindred and affinity authorized by the 99th canon.

A.D. 1534. Archbps., Thomas Cranmer, Edward Lee.

and thus a cause which had been six years under litigation was determined at last. The Convocation of Canterbury after concluding this long vexed business was continued through sundry sessions to the 31st of March [b], 1534.

[b] Conc. Mag. Brit. iii. 757.

IX. Final rejection of papal supremacy by the provincial synods of England.

On the last mentioned day we meet with a most important event among such scanty records of the convocational proceedings of this period as survived the disastrous fire of London in 1666. It is, indeed, much to be regretted that fuller records do not remain; but it is, at any rate, a most happy circumstance, that evidence is still forthcoming amply sufficient to mark the dates of the formal rejection of the papal supremacy in England by the respective synods of both our provinces. The English Church had already virtually thrown off the authority of the Pope; but the full and formal ratification of that act was reserved to this time. We may trace three distinct steps as the acts of the Church in that most just proceeding. The first step [c] was taken in 1531, when the Convocation [d] of Canterbury on the 11th of Feb., and that of York [e] on the 4th of May, recognized the king "as the singular protector, the only and supreme governor, and, *so far as the law of Christ permits*, even the supreme head of the English Church and clergy;" thus disabling all papal claims of power in England. The second step [f] towards this consummation was taken in 1532, when the Convocation of Canterbury, on the 15th [g] of May, consented, among other things, to a review of the ecclesiastical law of England by thirty-two commissioners, without any reference to Rome. The third and last step was that decisive and definitive rejection of the papal supremacy, in direct terms, which will now be considered. It should moreover be called to mind that, since these two first steps had been taken, and previously to the third, the English Church had come into direct collision with the papal authority on the subject of the legality of K. Henry VIII.'s marriage with Q. Catharine. For the convocations of both provinces, as we have seen, had decided that such marriage was illegal; and those decisions were embodied in public instruments by the southern province on [h] April 5, 1533, and by the northern, on May 13 [i] in the same year. The Pope, on the other hand, had decided that the marriage

[c] Vide sup. p. 336.
[d] Conc. Mag. Brit. iii. 725.
[e] Conc. Mag. Brit. iii. 744-5.
[f] Vid. sup. p. 346.
[g] Conc. Mag. Brit. iii. 749.
[h] Conc. Mag. Brit. iii. 757-8.
[i] Conc. Mag. Brit. iii. 767.

A.D. 1534. K. Henry VIII.

was valid, nor indeed could he well have come to any other decision on the principles by which he was bound. For if Clement VII. had revoked the dispensation of his predecessor Julius II., for the celebration of the royal nuptials, he would have struck a very alarming blow against Roman consistency, and the doctrine of infallibility would have staggered under so heavy a shock. The decision of the Pope, confirming the validity of K. Henry's marriage with Q. Catharine, was embodied in an instrument[j] read before the consistory at Rome; and thus the papal see and the English Church were in direct and irreconcileable collision on this point as well as on others. As might be expected, there now ensued the last and decisive act by which the English Church threw off the fetters which had been so long fastened upon her—the third and final step in those proceedings which secured her independence on any foreign authority.

[j] Conc. Mag. Brit. iii. 769.

Canterbury.

The debates of the Canterbury Synod on this subject (the registers having been burnt) are not extant. But, happily, sufficient evidence remains to fix the date of the presentation of the formal decision of the lower house to the upper, on this important question. It was on the 31st day of March, 1534. On that day[k] the sense of the lower house[l] was carried up to this effect,—"THE POPE OF ROME HAS NO GREATER JURISDICTION CONFERRED ON HIM BY GOD IN HOLY SCRIPTURE, IN THIS KINGDOM OF ENGLAND, THAN ANY OTHER FOREIGN BISHOP[6]."

[k] Conc. Mag. Brit. iii. 769.

[l] Conf. Fox's Acts & Mon. 2. fol. 1203. 1210, 1211, apud Heyl. Eccl. Vind. p. 7.

York.

To the same conclusion the members of the York Synod gave their unanimous[m] consent in their Convocation begun on the 5th of May following; upon which[n] a formal document upon the subject was drawn up and signed with the seal of Archbishop Edward Lee.

[m] Conc. Mag. Brit. iii. 782.

[n] Conc. Mag. Brit. iii. 783.

The renunciation of the Pope by the English clergy and the several religious bodies now became general. The original instruments which were drawn up on the subject remained for many generations in the Exchequer. The learned

[6] "Exhibitum est scriptum per Will. Saye notar. public. de responsione domus inferioris ad quæstionem, viz.: 'An Romanus pontifex habeat aliquam majorem jurisdictionem collatam sibi a Deo in S. Scriptura, in hoc regno Angliæ, quam alius quivis externus episcopus?'"—Conc. Mag. Brit. iii. 769.

A.D. 1534. Archbps., Thomas Cranmer, Edward Lee.

Mr. Wharton "had[o] in his custody no less than 175" authentic copies thence transcribed; and "these transcripts[p] contained the subscriptions of all the bishops, chapters, monasteries, colleges, hospitals, &c. of thirteen dioceses." He also said[q], that "to his certain[r] knowledge the original subscriptions of the remaining dioceses were lodged elsewhere." So readily did the mass of the national clergy join in protesting against that papal jurisdiction which was now renounced formally by the provincial synods of England.

[o] Coll. iv. 267.
[p] Ibid.
[q] Ibid.
[r] Ibid.

By such steps as those which have been described was this long desired result achieved, and it may be dated as finally and formally concluded by the act of the York convocation begun on the 5th of May, 1534. To this period, then, we look back as being the era whence we may reckon the restoration of the Church of England to her ancient independence, and date the legitimate commencement of that reformation which, by degrees, gave back to her the pure light of the Gospel and the unsullied doctrines of the primitive faith. Thus, by her own authoritative acts, the English Church rejected the papal supremacy, banished that hostile power which had so long restrained her just liberties, and in her own provincial synods asserted successfully her righteous claims to a proper national independence. The Pope's power in England was no more: his jurisdiction, as far as this country was concerned, now retired within juster limits.

[s] Virg. Æn. iii. 123.

"Hoste vacare domos, sedesque adstare relictas[s]."

CHAPTER XI.

ENGLISH SYNODS.

FROM THE REJECTION OF THE PAPAL SUPREMACY BY THE PROVINCIAL SYNODS OF CANTERBURY AND YORK TO THE IMPRISONMENT OF ARCHBISHOP THOMAS CRANMER, A.D. 1534—SEPT. 14, 1553.

THE REFORMATION OF THE CHURCH OF ENGLAND.

SUMMARY.

I. Fresh hopes for the English Church. II. The Submission Act, 25 Hen. VIII. c. 19—The preamble of this act not according to truth—1. Enacts that the convocations always shall be assembled by authority of the king's writ—2. Enacts that the clergy shall not attempt to enforce any old canons—3. Enacts that the clergy shall not "enact, promulge, or execute" any new canons without the royal assent and licence—A resolution of the learned judges on this provision in the reign of K. James I.—But all precedents in courts of law not binding on posterity—A remarkable instance in that age now under consideration—More modern instances—Surprising announcements in the Court of Exchequer, A.D. 1850, in reference to this statute before us—Still more surprising announcements in the Court of Queen's Bench, A.D. 1850, in reference to this statute—4. Enacts that no canons shall be made repugnant to the prerogative royal or the laws and customs of the land.—5. Enacts that thirty-two persons shall be appointed to revise the ecclesiastical laws—The "Reformatio Legum"—6. Enacts that a breach of this statute shall be punishable by imprisonment and fine at the king's will. III. An unfounded assertion. IV. Proceedings in convocation after the discharge of the papal supremacy and the enactment of 25 Hen. VIII. c. 19—Title of legate struck off from their metropolitan by the Canterbury provincial synod—Address from the synod for the suppression of heretical books and for a translation of the Scriptures. V. A.D. 1535. Cromwell—Monasteries—K. Henry VIII. excommunicated by Paul III. VI. A.D. 1536. Canterbury provincial synod—Cromwell's ridiculous assumption—Divorce of Queen Anne Boleyn by the synod—Erroneous opinions represented to the synod—Complaint against heretical books by lower house—Articles of 1536 confirmed by the synod—Holy days defined by the synod—Decision of the synod respecting the papal summons to Mantua—York provincial synod. VII. A.D. 1537. National synod—Cromwell's speech—Archbishop Cranmer's speech—Bishop Fox's speech—The "Institution of a Christian Man." VIII. A.D. 1539. "Statute of six articles" (31 Hen. VIII. c. 14)—Canterbury provincial synod—Statute of the six articles passed—Its cruel

provisions. IX. Canterbury provincial synod of Nov. 4, 1539. X. A.D. 1540. National synod—A digression—Contract of marriage between K. Henry VIII. and Anne of Cleves—The question of her pre-contract referred to the national synod—A digression on the appointment of committees by synods—Proceedings of a committee of the synod in reference to the contract between K. Henry VIII. and Anne of Cleves. XI. A.D. 1542. The two provincial synods meet—Canterbury—Cranmer's speech—The synod desired to promote the reformation, and amend the translation of the Scriptures—A digression on the translations of the Scriptures: Wickliffe's, Tindal's, Coverdale's, Matthews', Hollybushe's, Cranmer's, Taverner's—Debate in the synod on the translations of the Scriptures—Prelates appointed to correct translations—Lower house united with the upper for this purpose—Further proceedings with a view to reformation in religion—Synodical origin of the revision of the English service books—New edition of the Sarum use—Translation of the Scriptures impeded by K. Henry VIII.'s interference—York. XII. A.D. 1543 N.S. Canterbury provincial synod—Revision of service books—An order made for reading lessons in the vulgar tongue. XIII. A.D. 1543. Canterbury provincial synod—"Erudition of a Christian Man"—Its complete synodical authority. XIV. A.D. 1544 N.S. Canterbury provincial synod—The English litany. XV. A.D. 1545. The two provincial synods meet—The Canterbury synod—The York synod. XVI. A.D. 1546. The two provincial synods meet—A summary of all public records from the discharge of the papal supremacy to the death of K. Henry VIII., shewing that in spiritual matters synodical decisions preceded civil enactments. XVII. Dissolution of the abbeys and monasteries—This subject important to our inquiry, as thus our provincial synods were materially reduced in numbers—Cromwell appointed visitor—The abbey commission—The lesser religious houses fall—K. Henry VIII. covets the greater religious houses—The abbey commission surprisingly increased—The greater religious houses fall—Advantages lost to the nation by these managements, 1, 2, 3, 4, 5, 6—Profane disposal of consecrated property—The king's coronation oath—Treasures of learning sacrificed by the pillage of the religious houses—John Bale's evidence on this subject—A defence of the spoliation of the religious houses untenable—Collier's suggestion on this subject. XVIII. Reduction in the number of members of our provincial synods by the dissolution of the religious houses—Reduction also of members in the House of Lords—Reduction in the provincial synods greater—Canterbury, list of members subsequent to the dissolution of religious houses—York, list of members subsequent to the dissolution of religious houses. XIX. A.D. 1547 N.S. The two provincial synods meet in January—Death of K. Henry VIII.—Accession of K. Edward VI.—The Protector Somerset—The practices of that nobleman and his associates in spiritual matters—Homilies published. XX. The two provincial synods meet in November, 1547—Canterbury—Four petitions put up—Restoration of communion in both kinds by synodical sanction—Other business—Compulsory celibacy of the clergy discharged by the synod—Dr. Redmayne's opinion on this subject—The foregoing synodical decisions passed into acts of parliament—Denial of cup to the laity a modern innovation of Rome. XXI. A.D. 1548 N.S. First reformed communion office. XXII. First reformed Prayer Book—A.D. 1549. This book received full synodical sanction. XXIII. Reformed ordination service. XXIV. "Reformatio legum Ecclesiasticarum" promoted again at this time. XXV. Second reformed Prayer Book—Revision of the former book promoted in the Canter-

bury synod in 1550—Its review by a committee of divines—Second reformed Prayer Book received sanctions ecclesiastical and civil. XXVI. Forty-two Articles of 1552—Publication of the Articles of 1552—Corroborative proofs of the synodical authority of the Articles of 1552. XXVII. Catechism of 1553. XXVIII. General remarks on the synodical proceedings of this reign.

Ἐπὶ τὸ βέλτιον τὸ πρᾶγμα τῇ πόλει ξυνοίσεται.
ARISTOPH. *Nub.* A. I. Sc. vi. l. 594.

"Salve magna Deûm manibus sata semine sacro,
Pulchra comis, spectata novis virtutibus arbos;
Spes hominum, externi decus et nova gloria mundi."
FRACASTOR, *Poëm.* lib. iii. 405—7.

A.D. 1534. K. Henry VIII.

I. Fresh hopes for the English Church.

THE papal supremacy was now discharged by the formal acts of the provincial synods of England[1]. That yoke which had so long been forced upon our Church was removed by competent authority, and her ancient liberty was rightly regained. Galling, indeed, had

[1] LIST OF ENGLISH SYNODS, A.D. 1534—1553.

Date. A.D.	Place.	Archbishop.	King.	Reference.	Nature of Assembly.
1534, Nov. 4	.....	Th. Cranmer, abp. of Cant.	Henry VIII. ..	Conc. M. B. iii. 769. 776	Provinc. Synod, with continuations to December 19.
1535, Feb. 4	York	Edward Lee, abp. of York	Henry VIII. ..	Ibid. 783	Provincial Synod.
1535, Nov. 4	S. Paul's ..	Th. Cranmer ..	Henry VIII. ..	Ibid. 770	Provincial Synod.
1536, Feb. 5	.....	Th. Cranmer ..	Henry VIII. ..	Ibid. 802-3 ..	Cant. Provinc. Synod, with continuations in Feb. and March, dissolved April 24.
1536, June 9	S. Paul's ..	Th. Cranmer ..	Henry VIII. ..	Ibid. 803. Coll. iv. 343	Provinc. Synod, with continuations to July 20.
1536	.....	Ed. Lee	Henry VIII. ..	Conc. M. B. iii. 812	York Provinc. Synod.
1537	.....	Th. Cranmer ..	Henry VIII. ..	Ibid. 830. Wak. State, 584	National Synod.
1539, May 2	S. Paul's ..	Th. Cranmer ..	Henry VIII. ..	Conc. M. B. iii. 845-6	Provinc. Synod, with continuations to July 1, 1540.
1539, May 2	York	Ed. Lee	Henry VIII. ..	Ibid. 850	Provincial Synod.
1539, Nov. 4	.....	Th. Cranmer ..	Henry VIII. ..	Ibid. 846	Cant. Provinc. Synod, with continuations to Jan. 16.
1540, April 14	S. Paul's ..	Th. Cranmer ..	Henry VIII. ..	Ibid. 850-1. 853	Prov. Synod changed into a National Syn., with continuations to July 28, 1540.
1542 N.S. Jan. 20	S. Paul's ..	Th. Cranmer ..	Henry VIII. ..	Ibid. 860. 862-3	Provinc. Synod, with continuations to Ap. 3, 1542.

A.D. 1534. Archbps., Thomas Cranmer, Edward Lee.

been the tyrannies of Rome, in her unjust assumption of authority over provinces which had become subject to her, not in accordance with the ancient laws of the Church, but in direct contradiction to[a] primitive practice. Encroaching had been her constant policy, at one time availing herself of civil commotions, at others of foreign invasion, and at others of political intrigue, to extend hither her spiritual sway; and in consequence frequent had been the collisions, though with too little success on their parts, between our Churchmen and

[a] Can 8. Conc. Eph. and see Coll. Eccl. Hist. vol. i. p. 84, citing Labbe, tom. iii. p. 801.

LIST OF ENGLISH SYNODS, A.D. 1534—1553—*continued.*

Date. A.D.	Place.	Archbishop.	King.	Reference.	Nature of Assembly.
1542 N.S. Jan. 20	York	Ed. Lee	Henry VIII. ..	Conc. M. B. iii. 862	Provincial Synod.
1542, Nov. 4	.....	Th. Cranmer ..	Henry VIII. ..	Ibid. 863	Cant. Provinc. Synod, with continuations to Feb. 27, 1543 N.S.
1543, April 4	.....	Th. Cranmer ..	Henry VIII. ..	Ibid. 868	Cant. Provinc. Synod, with continuations to May 12.
1543, Nov. 5	.....	Th. Cranmer ..	Henry VIII. ..	Ibid. 868-9 ..	Cant. Provinc. Synod, with continuations to March 31, 1544.
1544, Dec.	S. Paul's ..	Th. Cranmer ..	Henry VIII. ..	Ibid. 869	Provincial Synod.
1545, Nov. 24	S. Paul's ..	Th. Cranmer ..	Henry VIII. ..	Ibid. 869. 871	Provincial Synod.
1545, Nov. 24	York	Robt. Holgate, abp. of York	Henry VIII. ..	Ibid. 877	York Provinc. Synod, with continuations to Feb. 25, 1546 N.S.
1546, Nov. 5	S. Paul's ..	Th. Cranmer ..	Henry VIII. ..	Ibid. iv. 1 ..	Provincial Synod.
1546, Nov. 24	York	Robt. Holgate ..	Henry VIII. ..	Ibid. iii. 877..	Provincial Synod.
1547 N.S. Jan. 15	.....	Th. Cranmer ..	Henry VIII. ..	Ibid. iv. 1 ..	Cant. Provinc. Synod.
1547 N.S. Jan. 15	.....	Robt. Holgate ..	Henry VIII. ..	Ibid. 3	York Provinc. Synod.
1547, Nov. 5	S. Paul's ..	Th. Cranmer ..	Edward VI.....	Ibid. 15-16 ..	Provinc. Synod, continued to Nov. 22, and through eight sessions to Dec. 17.
1547, Nov. 5	York	Robt. Holgate ..	Edward VI.....	Ibid. 26	Provincial Synod.
1547, Nov. 23	York	Robt. Holgate ..	Edward VI.....	Ibid. 26	Provincial Synod.
1548 N.S. Jan. 20	York	Robt. Holgate ..	Edward VI.....	Ibid. 26	Provincial Synod.
1548, April 21	.....	Th. Cranmer ..	Edward VI.....	Ibid. 15. 26. Stryp. Mem. ii. 134	Cant. Provinc. Synod.
1548, April 21	.....	Robt. Holgate ..	Edward VI.....	Conc. M. B. iv. 26	York Provinc. Synod.
1548, Oct. 6	.....	Robt. Holgate ..	Edward VI.....	Ibid. 26	York Provinc. Synod.

A.D. 1534. K. Henry VIII.

those aggressing pontiffs who were ever exerting some fresh strains of interference with the just rights of this Church and nation. But lamentable as had been the success of Rome's repeated aggressions upon the liberties of the English Church, more lamentable still was the corruption of the faith which had been the consequence. The light of the Gospel which had first shone upon these shores was never indeed, by God's grace, totally eclipsed, but yet a dark veil of superstition had been drawn over the nation's eyes. The Catholic faith had

LIST OF ENGLISH SYNODS, A.D. 1534—1553—*continued.*

Date. A.D.	Place.	Archbishop.	King.	Reference.	Nature of Assembly.
1549 N.S. Mar. 15	.....	Th. Cranmer ..	Edward VI.....	Conc. M. B. iv. 26.....	Cant. Provinc. Synod. N.B. On this day was CONTINUED, so presumably it had been sitting previously. After the prorogation on April 21, 1548, we are not informed when it was summoned.
1549, Nov. 4	.....	Th. Cranmer ..	Edward VI.....	Ibid. 26. 32..	Cant. Provinc. Synod.
1550 N.S. Feb. 3	.....	Th. Cranmer ..	Edward VI.....	Ibid. 32	Cant. Provinc. Synod.
1550, April 22	.....	Th. Cranmer ..	Edward VI.....	Ibid. 32. 60..	Cant. Provinc. Synod.
1550, Oct. 11	.....	Th. Cranmer ..	Edward VI.....	Ibid. 60	Cant. Provinc. Synod.
1551 N.S. Jan. 21	.....	Th. Cranmer ..	Edward VI.....	Ibid. 60	Cant. Provinc. Synod.
1551, Mar. 3	.....	Th. Cranmer ..	Edward VI.....	Ibid. 60	Cant. Provinc. Synod.
1551, Oct. 14	.....	Th. Cranmer ..	Edward VI.....	Ibid. 60. 68..	Cant. Provinc. Synod.
1551, Nov. 5	.....	Th. Cranmer ..	Edward VI.....	Ibid. 68	Cant. Provinc. Synod.
1552 N.S. Jan. 24*	.....	Th. Cranmer ..	Edward VI.....	Ibid. 68. 73..	Cant. Prov. Synod.
1552	.....	Robt. Holgate..	Edward VI.....	Ibid. 73	York Provinc. Synod, dissolved May 4.
1553 N.S. Mar. 2	.....	Th. Cranmer ..	Edward VI.....	Ibid. 73. 88..	Cant. Provinc. Synod, dissolved April 1, 1553.
1553 N.S. Mar. 2	York	Robt. Holgate..	Edward VI.....	Ibid. 73	Provincial Synod, with various continuations to April 15, 1553.

* "Jan. 24, a quo die usque ad dissolutionem ejus [April 16, 1552, Conc. Mag. Brit. iv. 73] Synodus convenit pro more solito," *i.e.* this synod *sat* till April 16, 1552, and was then dissolved. This was, there is reason to believe, the synod in which the second Prayer Book was sanctioned. The *parliament* which ratified the second Prayer Book (an. 5 & 6 Ed. VI.) began Jan. 23, 1552 N.S., and ended April 15, 1552.

A. D. 1534. Archbps., Thomas Cranmer, Edward Lee.

been obscured, and those who walked walked in partial darkness. But so soon as the English Church had recovered her ancient liberty, aroused herself to a sense of her true position, and directed her eyes to the sources of primitive truth, then the freshening rays of another morning dawned, the harbinger of still brighter day. The seed which had been so early sown in our native soil by the hand of God again burst forth into fresh life. Beautiful in new vigour, that tree began again to spread which has now "stretched [b] out her branches unto the sea, and her boughs unto the river," laden with the best hopes of men, the ornament and glory of distant lands, as well as of our own.

[b] Psal. lxxx. 11.

II. The Submission Act, 25 Hen. VIII. c. 19.

Before we proceed to the consideration of the part which our provincial synods (the only rightful authorities in such matters) took in the reformation of religion, after they had formally rejected papal jurisdiction, it is necessary to remark upon a change which at this time passed upon the relations between the Church and State of England, in consequence of a statute [c] enacted by parliament in the year 1534, and usually denominated the "*Clergy Submission Act*." From that moment when there was a prospect that this Church and nation were about to discharge the usurped power of the pope in spiritual matters, K. Henry VIII. seems to have entertained the project of transferring to himself every possible particle of that authority which should be withdrawn from Rome. The tyrannical bearing of his character would never have allowed him to take the sound advice once tendered to a Theban king, "that [2] he should not affect universal jurisdiction." This enterprise K. Henry VIII. promoted, as we have seen in the [d] last chapter, by obtaining for himself, from the clergy, in the year 1531, the title of "supreme [e] head of the Church, so far as the law of [f] Christ permits"—and by extracting from them, in the year 1532, the [g] promise, that "they [h] would not enact any new canons without the royal assent, and that the old canons should be reviewed by the king and a body of thirty-two commissioners, with a view to a reform in the laws ecclesiastical." As a means of crowning these endeavours to increase his jurisdic-

[c] 25 Hen. VIII. c. 19.

[d] See Chap. x. p. 336, supra.
[e] Conc. Mag. Brit. iii. 725.
[f] Conc. Mag. Brit. iii. 744-5.
[g] Conc. Mag. Brit. iii. 754-5.
[h] See Chap. x. p. 346, supra.

[2] Πάντα μὴ βούλου κρατεῖν,
καὶ γὰρ ἃ 'κράτησας, οὔ σοι τῷ βίῳ ξυνέσπετο.—Soph. Œd. Tyr. 1550-1.

tion, the king so managed that in the year 1534 the "Clergy Submission Act" was made law of the land. A copy of those parts of this act which are connected with the convocations is here appended in the note[3]. Upon due consideration, it will

A. D. 1534. K. Henry VIII.

[3] The submission of the clergy, and restraint of appeals.—Ex Reg. Convocat.

"A ceste bille avec une provision annexé les seigneurs sont assentuz."

"Where the kyngis humble and obedient subjects, the clergie of this realme of England, have not onely knaweleged, according to the treweth, that the convocacions of the same cleregy is, always hathe ben, and awght to be assembled onely by the kingis wrytt, but also submytting themselfys to the kingis magestie, have promised 'in verbo sacerdotii' that they will never from hencefurth presume to attempt, alege, clayme, or put in ure, or enact, promulge, or execute any newe canons, constitucions, ordinannce provinciall, or other, or by whatsoever other name they shal be called, in the convocacion, oneles the kingis most roiall assent and licence may to them be had, to make, promulge, and execute the same; and that his magestie do gyve his most royall assent and auctoritie in that behalf: and where diverse constitucions, ordynancis, and canons provinciall or synodall, whiche heretofore hathe ben enacted, and be thought not onely to be muche prejudiciall to the kingis prerogative roiall, and repugnant to the lawes and statutes of this realme, but also over muche onerouse to his highnes and his subjects; the said cleregy hathe most humbly besought the kingis highnes, that the said constitucions and canons may be committed to the examinacion and judgement of his highnes, and of XXXII. personnes of the kingis subjects, whereof XVI. to be of the upper and nether hows of the parliament of the temporaltie, and other XVI. to be of the cleregy of this realme, and all the said XXXII. personnes to be chosen and appoynted by the kingis magestie; and that suche of the said constitucions and canons, as shal be thought and determined by the said XXXII. personnes, or the more part of them, worthie to be abrogated and adnulled, shall be abolite and made of no value accordingly; and suche other of the same constitucions and canons, as by the said XXXII. or the more parte of them, shal be approved to stand with the laws of God, and consonante to the lawes of this realme, shall stand in their full strenght and power, the kingis most roiall assent first had and opteyned to the same.

"Be yt therefore nowe enacted by auctoritie of this present parliament, according to the said submission and peticion of the said cleregy, that they, ne enny of them, from hencefurth shall presume to attempt, alege, clayme, or put in ure any constitucions or ordinanncys, provinciall or sinodalys, or any other canons, nor shall enact, promulge, or execute any suche canons, constitucions, or ordinannce provinciall, by whatsoever name or names they may be called, in their convocacions in tyme commyng, whiche alway shal be assembled by auctorite of the kingis wrytt, oneles the same cleregy may have the kingis moste roiall assent and licence to make, promulge, and execute suche canons constitucions, and ordinanncys provinciall or sinodall, upon pain of every one of the said cleregy doyng contrary to this act, and being thereof convicte, to suffer empresonament, and make fyne at the king's will. And forasmuche as suche canons, constitucions, and ordinannce, as heretofore hath ben made by the cleregy of this realme, cannot nowe at the session of this present parliament, by reason of shortnesse of tyme, be vewyd, examyned, and determined by the kingis highnes, and XXXII. personnes

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appear that the following are, in brief, the main points which its provisions enforce, placed according to the order in which it is most convenient to view them, and it will be seen that they are built on the footstone of the synodical[i] submission of the clergy, conceded in synod on the 15th of May, 1532.

This statute enacts—*First*. That the convocations "always shall be assembled by authority of the king's writ."

Secondly. That the clergy[j] shall neither collectively nor individually[k] attempt to enforce any OLD canons[4]; but this with a proviso[kk] that all such canons as were then in force, and

[i] Conc. Mag. Brit. iii. 754. Att. Rights, pp. 92. 94.

[j] See Att. Rights, pp. 99—101, seq.

[k] Atterb. Rights, 102, and pp. 99—101.

[kk] See last clause of act.

to be chosen and appointed according to the peticion of the said clergy, in fourme above rehersed; be yt therefore enacted by auctoritie aforesaid, that the kingis highnes shall have power and auctoritie to nominate and assigne at his pleasure the XXXII. personnes of his subjects, whereof XVI. to be of the cleregy, and XVI. to be of the temporaltie of the upper and nether hows of the parliament. And yf enny of the said XXXII. personnes soe chosen shall happen to dye before their full determinacion, then his highnes to nominate other from time to time of the said two howsis of the parliament, to supple the nowmber of the said XXXII. And that the same XXXII. by his highnesse so to be named, shall have power and auctoritie to vewe, serche, and examyn the said canons, constitucions, and ordinannce provinciall and synodall heretofore made; and suche of them as the kingis highnes, and the said XXXII. or the more part of them shall deme and adjudge worthy to be continued, kept, and obeyde, shal be from thencefurth kept, obeyd, and exemted[l] within this realme, so that the kingis most roiall assent, under his great seal, be first had to the same. And the residewe of the said canons, constitucions, and ordinannce provinciall, which the kingis highnesse, and the said XXXII. personnes, or the more parte of them shall not approve, or deme and judge worthie to be abolit, abrogate, and made frustrate, shall from thencefurth be void and of noen effect, and never be put in execution within this realme.

[l] ? executed

"Provided alway, that noe canons, constitucions, or ordinannce shall be made or putt in execution within this realme by auctoritie of the convocacion of the cleregy, whiche shal be contrariannt or repugnant to the kings prerogative royall, or the custumes, lawes, or statutes of this realme; any thing contained in this acte to the contrary hereof notwithstanding.

"Provided also that suche canons, constitucions, ordynannces provincyall and synodalls, beyng allredy made, which be not contrariannt nor repugnant to the lawes, statutes, and customes of this realme, nor to the damage or hurte of the king's prerogative royall, shall now still be used and executyd as thei were affore the makeing of this act, tyll suche tyme as they be vewed, serched, or otherwise ordered and determined by the said XXXII. persons, or the more part of them, according to the tenour, fourme, and effect of this present act.

"Soit baillé aux communes. A cest provision les communes sont assentez."—Conc. Mag. Brit. vol. iii. p. 770.

[4] There are historical reasons for believing that the words "attempt, allege, claim, or put in ure" had reference to OLD canons. See authorities quoted in the margin, and the historical account of the clergy's submission in the last chap., ad an. 1532.

which were not contrary to the laws of the realm or the king's prerogative, should be used and executed until reviewed.

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Thirdly. That [l] the clergy in convocation shall not enact or execute any [m] NEW canons without the royal license.

[l] Atterb. Rights, p. 100.
[m] Atterb. Rights, pp. 102-3.

Fourthly. That no canons whatever shall be made or executed by the authority of the clergy in convocation which are repugnant to the prerogative royal, or to the laws or customs of the land.

Fifthly. That thirty-two persons shall be nominated by the king (composed of sixteen clergy and sixteen laity, the latter to be chosen from the two houses of parliament), with power to review the existing canons, and that the result of their labours, when authorized by the king's assent under the great seal, shall be received as the ecclesiastical law of England.

Sixthly. The breach of the provisions of this act on the part of the clergy was made punishable by imprisonment and fine at the king's will.

Some other [n] enactments are contained in this statute, referring to the [o] gradations of appeals in ecclesiastical causes—the [p] ultimate court of appeal—forbidding [q] appeals to Rome—and providing for appeals in cases [r] exempt from ordinary jurisdiction. But as these do not come within the immediate scope of our present subject, they may be here omitted, as being of secondary importance to an enquiry into the extent of authority challenged by this act over the English convocations. In pursuing this matter it is necessary to bespeak the forgiveness and consideration of "the members of the learned profession, for, according to the usual fate of those who write out of their own calling, I shall doubtless express myself now and then somewhat improperly." The object, however, is to give a clear and honest account; and if the manner should not be according to strict rules of art, the matter, if just and true, may perhaps be accepted as a sufficient apology.

[n] See Statutes at large, 25 Hen. VIII. c. 19.
[o] Sec. 3.
[p] Sec. 4.
[q] Sec. 5.
[r] Sec. 6.

The preamble of this Act not according to truth.

Now in the first place, with all deference to the memory of the learned gentleman who penned the preamble of this act, it must be confessed, that he flourished overmuch in his style, and drove on too furiously, trampling upon precedents, and riding down the facts of history; so that, even from a distance, we may recognize his manage-

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ment. It looks much as if it proceeded from the same hand which drew those articles of submission sent down[s] to the clergy on Wednesday, May 15, 1532, and of which the acceptance was then wrung from them. Certain it is, that most astonishing lapses are frequently committed by those learned persons who prepare drafts of acts; and further, that our legislators are often, even in these times, entrapped into the snare, and so set the stamp of their authority on bad grammar and worse sense. But to invest with all the solemn circumstance of an act of parliament historical statements directly contradictory to the truth is not a common practice, and when such a contingency occurs, as in the present case, it augurs most unpardonable carelessness or ignorance, or somewhat even still less deserving of forgiveness. For the preamble of this act states that "the clergie . . . have . . . knaweleged, according to the treweth, that the convocacions of the same cleregy is, always hathe ben, and awght to be assembled onely by the kyngis wrytt." Now, granting that they did make such an acknowledgement, to say that it was "according to the treweth" is an assertion which must be approached with extreme caution. In fact, the statement that our[t] convocations were always assembled by the king's writ is simply false[u]; and to say that they were only so assembled, is to take another step still further from the truth. To quote instances of the convocations being assembled previously to this date at the sole[v] motion of the archbishop, without royal writs, would be to recapitulate facts which would fill a volume. Such metropolitical authority had been exercised even[w] in this very reign, so late as in the year 1510 N.S., when, by Archbishop Warham's mandate only, the Canterbury Convocation met at S. Paul's, London, on the 26th of January. Whoever, therefore, penned this preamble, did not only fail to "consult[x] the ancient practice," but, if honest, showed extraordinary lack of knowledge as regarded the events of his own times. It is perfectly true that the clergy did admit, two years before, what this preamble falsely sets forth to have been "according to the treweth." But it is only just to their memory to add, that the draft of submission was penned and sent down to them, and that compliance was extracted from them under press of time and circumstances, and, moreover, with some applications

[s] See Chap. x. p. 346, supra.

[t] Wake's State, p. 439.
[u] Wake's Auth. of Christian Princes, p. 226.
[v] Wake's State, pp. 10. 439.
[w] Conc. Mag. Brit. iii. 651, and Coll. iv. 237.
[x] Coll. iv. 237.

of tyrannical force. Under ordinary circumstances, it would indeed have supplied cause for wonder that "they[y] clergy should have fallen into such an oversight, wanted skill or courage to maintain their privilege, and contradicted undoubted records to their own disadvantage."

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[y] Coll. iv. 238.

It is however time to consider those provisions in this statute which affected the functions of our provincial synods, and still exercise an abiding influence over the relation between the Church and State of England. In some respects this enactment laid heavier restraints upon the synodical action of the Church of England and the jurisdiction of her metropolitans than were imposed by the exercise of the papal power. For instance, while subject to papal tyranny, our metropolitans exercised[z] an independent jurisdiction in convening their provincial synods at their own will, which by this act was restrained. And though solid advantages were secured by discharging the Pope's supremacy, which far outweighed the disadvantages of falling under the eccentric tyranny and capricious jurisdiction of K. Henry VIII., yet at that time the Church of England was certainly placed in this dilemma,—

[z] Wake's State, p. 439.

> "Aut[a] hæc cum illis sunt habenda, aut illa cum his amittenda sunt; Harum duarum conditionum nunc utram malis, vide."

[a] Terent. Heauton-timor. A. II. sc. iii. 84-5.

To choose the least of evils is the result of a wise philosophy, and of that philosophy she now became a disciple.

But to consider in order the six provisions of this act which had special reference to the convocations.

1. Enacts that the convocations "always shall be assembled by authority of the king's writ."

It was here enacted that the convocations "always shall be assembled[b] by authority of the king's writ." Now these words have generally been interpreted to a sense of restraint. They are, however, capable of being understood as a promise that such a writ should never be withheld, but for the present we will admit the common interpretation.

[b] 25 Hen. VIII. c. 19, sec. I.

It is abundantly notorious[c] that previously to this time the metropolitans of the English Church, in accordance with primitive practice, had exercised constantly a prerogative, inherent in their office, of summoning provincial synods when-

[c] Wake's State, p. 439.

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ever such a course appeared to them desirable. The kings of England indeed had often issued their writs in order to urge the metropolitans to exercise that prerogative; but it was never supposed that royal writs were necessary for the due celebration of provincial synods; or that a metropolitan might not call together the bishops and clergy of his province whenever he pleased, and independently of the receipt of such documents. However, from the date of this act. 1534, it is said that royal writs are by statute a necessary precedent to the meeting of our convocations; and that the metropolitans cannot of their own motion assemble them, without subjecting themselves and the members to highly penal provisions. Thus a new and extensive power, and one which might be exercised with manifest disadvantage to the national Church, is annexed to the crown. For it is left to the discretion of the monarch to silence the voice of the Church; and when we consider the character of that one who, at the period before us, sat upon the throne of England, it is only wonderful that the power here said to be intrusted to him was not more arbitrarily asserted and more unjustly exercised.

It has happily been now acknowledged as an inherent part of the British constitution that royal writs for summoning our two convocations should issue concurrently with the writs for summoning our parliaments; and this usage has now become so constant, as to have obtained the force of custom, and is so firmly established as to carry with it much of the weight of common law. Thus though the Submission Act, as it is said, at first placed it in the power of the king to call the convocations into action or to hold them in abeyance, yet the custom which has so long prevailed could now very hardly be contravened, and the withholding of the royal writs would be an exercise of authority so new and surprising that there is no reasonable ground for fear that such a course will ever be pursued. Indeed those who most incline towards the highest claims of authority on the part of Christian princes over synods, and most vehemently oppose just ecclesiastical liberty, would hardly recommend such a stretch of power. Dr. Wake, who favoured the world with a book[d] on this subject for the express purpose of asserting the regale in its highest extent, and therefore cannot be objected to as a witness, did not

[d] "Authority of Christian Princes asserted."

"doubt [e] to affirm that, whenever the king is in his own conscience convinced that for the convocation to sit and act would be for the glory of God, the benefit of the Church, or otherwise for the public good and welfare of his realm, he is obliged both by the law of reason as a man, by his duty to God as a Christian, and by his duty to his people as a ruler set over them for their good, to permit, or rather to command his clergy to meet in convocation and transact what is fit for any or all these ends to be done by them."

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[e] Wake's Auth. of Christian Princes, p. 145, and Kennett's Eccl. Syn. p. 82.

But this [f], it may be said, resolves the meeting of convocations into a question of the conscience of the prince; and lest this might not prove a sufficient security for the satisfaction of all men, this writer makes a still further concession, "agreeing" and "allowing" "that [g] the Church has a right to have its convocation called as often as the parliament is assembled; that the convocation thus called has a right to sit and act whenever the circumstances of the Church require it so to do." Under a similar supposition this learned divine goes even still further and says, "I [h] do confess the Church has a right to its sitting, and if the circumstances be such as to require their frequent sitting, it has a right to their frequent meeting and sitting; and if the prince be sensible of this, and yet will not suffer his clergy to come together, in that case I do acknowledge that he would abuse the trust that is lodged in him, and deny the Church a benefit which of right it ought to enjoy." And once again, as though these expressions might still seem to subject the Church's assemblies to the inclination of the prince's conscience, our author, though chaplain in ordinary at the time, rises in his language and makes bold to write thus, "whenever the civil magistrate shall so far abuse his authority as to render it necessary for the clergy by some extraordinary methods to provide for the Church's welfare, that necessity will warrant their taking of them [i]." Happily we live in times when the authority of the civil magistrate is not in this respect abused, when the laws and customs of this land are the rules which determine the regulation of public affairs, and when, in accordance with ancient usage, the royal writs for the summoning of the convocations invariably issue acourse with the parliamentary writs from the offices of the crown.

[f] Kennett's Eccl. Syn. p. 83.

[g] Wake's Auth. of Christian Princes, p. 268.

[h] Wake's Auth. of Christian Princes, pp. 267-8, and see Kennett's Eccl. Syn. p. 83.

[i] See Kennett's Eccl. Syn. p. 84.

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2. Enacts that the clergy shall not attempt to enforce any old canons.

The second provision contained in this act was in[j] effect that the clergy should neither[k] collectively nor individually attempt to enforce any OLD canons[5]; but to this a proviso was added[l] by the last clause, that all such canons as were then in force, and which were not contrary to the laws of the realm or the royal prerogative, should be used and executed until reviewed. Thus the old[m] canons were vacated, subject to a review; but in order that the nation might not be abandoned to ecclesiastical anarchy during the process, all such OLD canons as were not contrary to national law or royal prerogative were continued[n] by the statute until the review should be completed. That review, though commenced, was, as we shall presently see, never brought to a full and final conclusion. What, then, is the consequence? By this act all the ancient canon law of England, however much it may be tainted with Romish abuse, was invested with statutable authority in every case in which such canon law was not, in the year 1534, "contrariant[o], or repugnant to the laws, statutes, and customs of this realm; nor to the damage or hurt of the king's prerogative royal." And this statutable authority was again enforced by a subsequent[p] act, 35 Henry VIII. c. 16. The first mentioned statute, though once repealed, was revived by 1 Eliz. c. 1, and therefore "until[q] such reformation as aforesaid shall take effect, the canon law, so far as the same was received here before the said statutes and is not contrariant to the common law nor to the statute law nor to the prerogative royal, is recognized and enacted to be in force by authority of parliament."

It is, I hope, no disregard to our legislature to say thus much, that for any portion of national law to remain in so anomalous a state as this is exceedingly unsatisfactory; and it is, perhaps, pardonable to add that the sooner the intentions of this act for a reform of ecclesiastical law are carried out by proper authority (the English provincial synods backed by civil sanctions), the less perplexing will be the functions of

j See Att. Rights, pp. 99 et seq.
k 25 Hen. VIII. c. 19, sec. 1.
l 25 Hen. VIII. c. 19, sec. 6.
m Atterb. Rights, pp. 99—101.
n Atterb. Rights, p. 101.
o 25 Hen. VIII. c. 19, sec. 7.
p See Burn's Pref. Eccl. Law, p. xiii.
q Burn's Pref. Eccl. Law, p. xv.

[5] That the words "attempt, allege, claim, or put in ure" refer to OLD canons, and the words "enact, promulge, execute" to NEW ones, has been satisfactorily proved by Atterbury. See "Rights," pp. 99—130. For arguments maintaining a different construction, see "Wake's State," pp. 535—622.

ecclesiastical courts, and the more creditable to this Church and country will be the position, in which a very necessary branch of jurisdiction will be placed. A.D. 1534. K. Henry VIII.

3. Enacts that the clergy shall not "enact, promulge, or execute" any new canons without the royal assent and license.

The third provision of the statute before us (according to the order in which it is convenient to view its enactments) was that the clergy *in their convocations*, *i.e.* collectively in provincial synods, should not "enact[r], promulge, or execute[s] any NEW canons, without the royal assent and license[6]." And here they are tied up in point[t] of legislation as they were by the previous provision in point of jurisdiction.

[r] 25 Hen. VIII. c. 19, sec. 1.
[s] Atterb. Rights, pp. 102 et seq. 106. 114-5.
[t] Atterb. Rights, p. 99.

Now, it is abundantly clear that for many years (*i.e.* about seventy) after[u] the enactment of this statute, it was generally understood that the convocations were only restrained by it from "enacting, promulging, or executing" canons without a royal license. The act was construed (in accordance with, I believe, the universal practice in respect to penal statutes) within the strict terms of the letter. The clergy then "proposed, deliberated, and resolved[v]" in convocation, without qualifying themselves for such business as they had been used to transact (short of enacting canons) by any precedent license under the broad seal[w], other than was virtually contained in the original royal writ of summons; and this "was[x] then held to be a sufficient license for the clergy's treating and consenting . . . but not for their concluding." For this last word might be capable of a sense too near akin to "enacting," and so might entail the penalties of the act. And on such a footing matters stood for seventy years. However, in the[y] year 1586 (the 29th of Q. Elizabeth) the convocation having[z] fallen under the displeasure of the House of Commons, found themselves obliged to proceed warily, and "to[a] adapt their practice to the most rigorous and extensive construction of the statute of submission," and while then[b] treating upon business brought before them, saw that, to keep within the strict terms of the statute, they must obtain the "license and assent" of the crown before enacting, promulging, or executing their ordinances. This[c] license they

[u] Atterb. Rights, p. 393. and Addend. p. 637.
[v] Atterb. Rights, p. 132.
[w] Atterb. Rights, pp. 394. 405.
[x] Atterb. Rights, p. 415.
[y] Atterb. Rights, Addend. p. 363.
[z] Atterb. Rights, Addend. p. 654.
[a] Atterb. Rights, Addend. p. 654.
[b] Atterb. Rights, Addend. p. 644.
[c] Atterb. Rights, Addend. p. 642.

[6] The historical reasons above referred to seem to confine these words to NEW canons.

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sought[d] and obtained. But it appears that this precedent of issuing a license under the broad seal, to qualify the convocation for "enacting" canons, was in the year 1603 "improved to the[e] disadvantage of the clergy, and a license for *decreeing* canons[f] turned into a license for *treating and debating* upon them." For in that year K. James I. issued[g] a license under the great seal to the Convocation of Canterbury to "confer[h], treat, debate, consider, consult, and agree" upon canons. Yet even here, when the need of a license[7] for treating on canons was suggested, it is not absolutely clear whether such supposed necessity was grounded on the provisions of the statute we are considering, or upon the king's[hh] "prerogative royal, and supreme authority in causes ecclesiastical." For to these terms it is notorious that a somewhat more extensive notion of authority was then[i] attached than is the case at present.

A resolution of the learned judges on this provision in the reign of K. James I.

But however this may be, about seven years afterwards, in the eighth year of this king, this suggestion of the necessity for a royal license, as precedent to treating and debating upon canons, was fortified by a resolution of the[j] chief justices and judges, at a committee of the lords, in these terms—that as a convocation cannot assemble without the assent of the king, so "after[k] their assembly *they cannot* CONFER *to constitute any canons without license del roy*." Now whether any expressions in the act before us warrant such an interpretation is a matter of grave doubt. Assuming for a moment, and here only for the sake of argument, that they do not warrant it, then the gentlemen of that profession to whom these matters specially belong will say, whether a false exposition of law, even if backed by the highest authority, is binding on posterity; and whether precedents, though fortified by the greatest names, can be allowed to stand in the place of law, in cases where the statute to which they have respect either fails to bear out the conclusions thence drawn, or is contradictory to them.

But all precedents in courts of law are not binding on posterity.

It is admitted that precedents and judgments in the courts bear about with them some extensive and mysterious authority; but still, with all submission, precedents and judgments may be

d Atterb. Rights, Addend. p. 648.
e Atterb. Rights, Addend. p 654.
f Atterb. Rights, Addend. pp. 655—61.
g See Pref. to Canons, 1603-4.
h See Pref. to Canons, 1603 4.
hh See Pref. to Canons, 1603-4.
i See 13 Car. II. c. 2.
j Wake's Authority, p. 108.
k Wake's State, p. 534. Coke's Rep. xii. 70 et seq. apud Pearce, Law Conv. p. 104.

7 See also license issued to convocation in 1640, printed with the canons of that year, by Robt. Barker, printer to the king's most excellent majesty, 1640.

cited which could hardly be permitted in any case to prevail.

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A remarkable instance in that age now under consideration.

For instance, in that very age when the chief justices and judges resolved that the convocation could not "*confer*[l] to constitute any canons without license del roy" a circumstance occurred which is calculated to show that the judgments of those learned persons must not always be taken upon content. At that time, Sir Edward Coke[m] excepted against an oath which he was required to take upon his appointment as sheriff of Buckinghamshire. Upon his refusal to be sworn, the lord keeper sent to all the judges for their opinion upon some of the clauses of this oath; among other points, they resolved that the statutes[mm] against Lollardism "*were*[n] *intended against the religion now professed and established, which before was condemned for heresy, and is now held for the true religion.*" Now, without unreasonable disregard to the memory of those reverend and learned persons, it must be said that their resolution goes upon a wrong ground, involves very great mistakes, and leads to false conclusions. For, without entering deeply into the subject of the Lollards' heresies, it is certain that their tenets were "widely different from the doctrine" and discipline accepted by the Church of England. First "they[o] maintained that taking away any man's life, either in war or courts of justice, upon any account whatsoever, was expressly contrary to the New Testament." Secondly "they[p] held every man was a priest, and we need no other priest to be a mean for us unto God." Now the first of these assertions is directly contradictory to the thirty-seventh, and the second to the twenty-third article of the Church of England; so that these reverend judges when deciding in favour of the Lollards' doctrines must either have been unacquainted with them, or else unskilled in divinity and ignorant of the principles of that religion which they themselves adjudged to be "professed and established," and "held for the true religion." Nor can it be doubted but that a judicial resolution so contradictory to facts, so subversive of national rights, and of all civil and ecclesiastical jurisdiction, must be discharged as a binding precedent from every forum whatsoever.

[l] Wake's State, p. 534. Pearce, Law Conv. p. 104.

[m] Coll. Ecc. Hist. iv. 262.

[mm] 5 Rich. II. c. 2. 2 Hen. IV. c. 15.

[n] Coll. Ecc. Hist. iv. 262, citing Coke's Reports, fol. 18.

[o] Coll. Ecc. Hist. iv. 263, citing Spelm. Conc. ii. p. 646.

[p] Coll. Ecc. Hist. iv. 263, citing Fox, vol. ii. p. 593.

More modern instances.

But that the resolutions of judges learned in the law cannot always be received as true

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statements in matters of fact, and therefore as binding precedents, we have more modern instances, and those, curiously enough, in regard to this very act before us.

Surprising announcements in the Court of Exchequer, A. D. 1850, in reference to this statute before us.

For in the interpretation of this statute now before us the statements of the learned judges of our own time must be approached with extreme caution; and to prove this assertion some evidence shall be produced.

In the Court of Exchequer, on the 8th of July, 1850, a judgment in an important[s] case was delivered by the chief baron, with the unanimous consent of his learned brethren. In that judgment these words occur[q]: "we may remark, that the statute 25 Henry VIII., c. 19, by giving the appeals in all causes ecclesiastical from the archdeacon to the bishop or ordinary, and from him to the king and no further (if such was the effect of the statute) *did but restore the ancient law of the land as settled on this point by the Constitutions of Clarendon in the reign of Henry II., Anno Domini* 1164."

[q] Judgment, Court of Exchequer, July 8, 1850.

Now here is a direct assertion; first, that the ancient law of the land, previously to the enactment of 25 Henry VIII., c. 19, provided that there should be an inherent right in the kingly office to give judgment in the last resort upon all ecclesiastical causes, even such as related to matters purely spiritual, and affected the fundamental articles of the Christian faith. Such an announcement is in a very high degree surprising, and, indeed, no way credible at first view. But then it is the judgment of the chief baron of the Exchequer, unanimously affirmed by his learned brethren. All this notwithstanding, posterity can hardly be expected to admit this precedent, and accept it as an exposition of the truth, considering that the unbroken testimony of history looks the other way.

And secondly, the unanimous judgment of the barons of the Exchequer on this occasion affirmed that this final appeal to the king was "settled by the Constitutions of Clarendon[r], in the reign of K. Henry II., A. D. 1164." Resting upon such grave authority, this still more surprising announcement may, perchance, hereafter be quoted as a precedent, and, it may be, submitted for general acceptance. But with all due regard to

[r] Judgment, Court of Exchequer, July 8, 1850.

[s] In re Gorham, ex parte the Bp. of Exeter.

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the unanimous determination of the learned barons, it must be said that the eighth Constitution of Clarendon, the only one treating on this subject, lays down a course altogether at variance with their judgment, and gives the final appeal in England to the archbishop, in whose province the cause has commenced [9].

It would have been safer, one would have thought, before moving in the direction of the Constitutions of Clarendon, to have struck a light, and so proceeded by means of more regular discoveries; for, by rambling in the dark, the Court of Exchequer missed its way to a remarkable degree, and fell into a complication of error from which no imaginable ingenuity can rescue their precedent. Indeed, so far from proving a safe guide to the learned profession, in threading the mazes of constitutional law, this precedent will abide, a sad monument of the catastrophe which befel the Court of Exchequer in that enterprize. One advantage, however, may be derived from this mishap; a signal warning is here recorded against taking at second hand the announcements [s] even of Mr. Justice Blackstone on the subjects under our consideration.

[s] Blacks. Com. B. iii. c. 5—66.

Still more surprising announcements in the Court of Queen's Bench, A.D. 1850, in reference to this statute.

Again, in the same year 1850, the chief justice and the justices [1] of the Court of Queen's Bench were called upon to decide a point of law which turned upon the interpretation of two [t] clauses in this act now before us as com-

[t] 25 Hen. VIII. c. 19, secs. 3. 6.

[9] If injustice is done, recourse must be had to the king:—"Ut præcepto ipsius in curiâ archiepiscopi controversia terminetur, ita quod non debeat ultra procedi, absque assensu regis," *i.e.* not to Rome.—Constitut. Clarendon, No. viii. Matt. Par. ad an. 1164. Conc. Mag. Brit. i. 435. Coll. Eccl. Hist. ii. 274—6.

[1] It is a matter for surprise that, during the progress of the case (Gorham *v.* Bp. of Exeter), to which this judgment refers, through the courts, it was never discovered that the original appeal from the Court of Arches to the Judicial Committee of Privy Council, and against which a prohibition was sought, was not in accordance with the statutes 24 Hen. VIII. c. 12, 25 Hen. VIII. c. 19, on which reliance was placed. A cause, in accordance with the statute 24 Hen. VIII. c. 12, sec. 6, ought to be carried directly from a bishop, not to the Arches Court, but to the archbishop of the province on appeal, and from him, in cases touching the king (sec. 9), to the upper house of convocation, or, as the courts say, to the Judicial Committee of Privy Council, 25 Hen. VIII. c. 19, sec. 4. But even after this case found itself in the Arches Court of Canterbury (though how in accordance with these statutes does not appear) an appeal thence to the Judicial Committee was clearly bad, as being "per saltum." The appeal from the Arches Court of Canterbury was (by 24 Hen. VIII. c. 12, sec. 7, and see Strype's Mem.

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pared with a clause in a previous[u] statute. The judgment delivered on that[v] occasion was adorned with much matter appended by way of "illustration and ornament." To pass over the graver resolutions contained, which by the way are not now supposed to be universally satisfactory to those gentlemen whose studies particularly lie this way, it is certain that some of the "illustrations and ornaments," forming an integral part of that judgment, and on which indeed its conclusions were mainly founded, do not bear upon them such a stamp of truth as will ensure for it future acceptance, even though it may claim all the authority due to a precedent.

For instance, the court decided that in the spring of 1533 our legislature allowed "*an appeal to the Pope*[w] *in all spiritual suits*," and acted "*upon the principle*[x] . . . *that the spiritual jurisdiction which belonged to the Pope as supreme head of the Western Church should remain unaffected.*" But this is false[y] in history, contradictory to the terms of the statute[z] quoted, and unjust to the memory of our legislators of that day; and so this decision will hardly hold as a precedent to be scrupulously followed.

The Court of Queen's Bench also pronounced on this occasion, by the mouth of the learned author of the Lives of the Chancellors, that "*Sir Thomas More, a rigid*[a] *Roman Catholic*," was lord chancellor when the statute (24 Hen. VIII., c. 12) was passed, *i.e.* during that session of parliament[b] which began Feb. 4 and ended April 7, 1533; moreover, the decision of the court was partly grounded upon this assumption. But this statement is wide of matter of fact, for Sir Thomas More surrendered the seals on the 16th of May, 1532, and the "pliant" Audley succeeded to the office of lord keeper on the 20th of the same month, and to that of lord chancellor on the 6th of January[c] following. It is therefore incredible that the members of the learned pro-

[u] 24 Hen. VIII. c. 12, sec. 9.

[v] Court of Queen's Bench, April 25, 1850.

[w] Judgment delivered by Lord Chief Justice Campbell, April 25, 1850.

[x] Ibid.

[y] See proceedings in Canterbury and York convocations, Feb. 11, 1531 N.S. and May 4, 1531, above, chap. x. sec. ix.

[z] 24 Hen. VIII. c. 12, preamble.

[a] See Judgment, Court of Queen's Bench, April 25, 1850.

[b] Statutes at large, in loco.

[c] Cott. MSS. Titus, B. 1, apud Rose, Biograph. Dict.

Cranmer, p. 39) to the Archbishop of Canterbury in person, and from him there lay, by section 9 of the same act, a further appeal, in cases touching the king, to the upper house of convocation, or, as the courts say, to the Judicial Committee of Privy Council. It is not a sufficient answer to say that the appeal to the archbishop in person has been disused, because reliance was placed throughout on the *two* statutes above quoted. But non-compliance "ab initio" with their provisions would, it is supposed, if suggested at the time have prevailed to oust their jurisdiction in the particular case.

fession will feel themselves hereafter constrained to admit this precedent in the Court of Queen's Bench, so contradictory to the acknowledged facts of history.

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But in the interpretation of the statute now specially under our notice[d] the Court of Queen's Bench advanced still farther, and decided that in the year 1534 K. Henry VIII. was "*impatient to marry Anne Boleyn*[e]." Now as Queen Elizabeth, the issue[f] of their union, was born September 7, 1533, there is here contained a most severe and unjust imputation against the moral characters of that sovereign's father and mother. They may both of them have had faults to answer for, but the imputation of such an amount of flagrant profligacy as is here involved cannot, with any regard for truth, be charged upon those royal persons, who in fact were married[g] at the end of 1532 or[h] at the opening of the year 1533. Roman Catholic historians have, as is well known, laboured sedulously and often to cast aspersions on their matrimonial alliance; but it has been reserved for the Court of Queen's Bench to fix so deep a stain of unchastity upon the royal pair, and of illegitimacy upon their offspring, thus in a solemnly recorded judgment casting a foul blot of dishonour on the British crown in the person of England's virgin queen. Historical truth was on this occasion, as one may say, pelted out of court; and this feat accomplished, facts, dates, and national records were barbarously mangled, and finally trampled down with excessive zeal into a shapeless mass of inextricable confusion. Some caution seems no more than necessary before this precedent in the Court of Queen's Bench is followed.

[d] 25 Hen. VIII. c. 19.

[e] See Judgment, Court of Queen's Bench, April 25, 1850.

[f] Hume, ch. xxx. p. 317.

[g] Lord Herbert, Life of K. Hen. VIII. Comp. Hist. vol. ii. p. 161.

[h] Either Nov. 14 or Jan. 25.

Thus we see that interpretations which have been put upon this act, even by learned judges, must be received at least with some latitude of reserve, and that the "ornaments and illustrations" with which they have thought proper to invest it are subject to the gravest exceptions. Many resolutions concerning it, which stand armed with the panoply of precedents, must surrender to that array of facts and dates, which opposes an impenetrable front. For a true interpretation of the statute recourse must still be had to its terms, and its provisions must be restrained within the limits of its primary intention by the aid of more just and careful investigations.

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To return to the point before us. The decision that the clergy in convocation "cannot *confer* to constitute[i] any canons without license del roy" was doubtless a resolution of the judges, but whether it was warranted by the terms of the statute is another question. That the clergy may not "enact, promulge, or execute new canons" is a point on which the statute is decisive, but that they may not (as some would have us believe) *confer* upon such subjects and prepare matter for the consideration and, if it be so, for the approval and consent of the sovereign, to be signified by a license for promulgation, is more than appears. Dr. Wake, whose voluminous labours were directed certainly not towards the exaltation of ecclesiastical power, and who in due time was recompensed by very solid rewards for his performance, does not hesitate to make this admission: "Whether the convocation may not, without the king's license, *deliberate* of such things as may be fit to be done by them for the service of the Church, I shall not undertake to say. . . . To deliberate of what might usefully be considered by them, and to petition the king thereupon for leave so to do, this, as it is no attempting to make a canon, so does it not, I conceive, come within the design of that prohibition which this act has laid[j] upon them."

[i] Wake's State, p. 534. Coke's Rep. xii. 70 et seq. Pearce, Law Conv. p. 104.

[j] Wake's State, p. 535.

4. Enacts that no canons shall be made repugnant to the prerogative royal or the laws and customs of the land.

The fourth provision contained in this act, according to the order in which it is convenient to view its enactments, was, that no[k] canons whatever shall be made, or executed by the authority of the clergy in convocation, which are repugnant to the prerogative royal, or to the laws or customs of the land. Now not to dwell here upon the utter impossibility (considering the present constitution of England) of any canons being executed by the clergy under the circumstances supposed, it is, I think, no unreasonable flattery to that body of men to say that a more loyal portion of her majesty's subjects does not exist; that none has a more earnest desire for peaceable and harmonious relations between the Church and State; and that a just respect for the prerogative royal, and the laws and customs of their native land, will ever exercise over them a more powerful and a more wholesome influence than any fears of those penal provisions which this statute contains.

[k] 25 Hen. VIII. c. 19, sec. 2.

5. Enacts that thirty-two persons shall be appointed to revise the ecclesiastical laws.

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The fifth provision of this act was, that thirty-two persons should be nominated[1] by the king, composed of sixteen clergy and sixteen laity, with power to revise the then existing canons; and that the result of their labours, when authorized by the king's assent under the great seal, should be received as the ecclesiastical law of England.

[1] 25 Hen. VIII. c. 19, sec. 2.

The "Reformatio legum."

Eleven years after the passing of this act (A.D. 1545) a draft of reform was prepared[m] by the influence of Cranmer, and still later, in conformity with its provisions, fortified by subsequent statutes[n] in the fifth year of K. Edward VI. (A.D. 1551), the following[o] persons were appointed[p] to revise the ecclesiastical laws. They consisted of the Archbishop of Canterbury and seven bishops, eight divines, eight civilians, and eight common lawyers.

[m] Strype's Mem. Cranmer, p. 133.

[n] 35 Hen. VIII. c. 16. 3 & 4 Ed. VI. c. 11.

[o] Strype's Mem. Cranmer, p. 271.

[p] Vid. inf. this chap. ad an. 1551.

ARCHBISHOP AND BISHOPS.	DIVINES.	CIVILIANS.	LAWYERS.
Canterbury	Dr. Taylor	Mr. Peter	Justice Hales
London	,, Cox	,, Cecyl	,, Bromly
Winton	,, M. Parker	Sir T. Smith	Goodrick
Ely	,, Latimer	Mr. Taylor	Gosnal
Exeter	Sir A. Cook	Dr. May	Stamford
Gloucester	P. Martyr	Mr. Traheron	Carel
Bath	Sir J. Cheke	Dr. Lyel	Lucas
Rochester.	J. Alasco.	Mr. Skinner.	Recorder Brook.

Although these thirty-two persons were appointed in accordance with the provisions of the statutes mentioned, it appears from a letter[q] of K. Edward VI., dated from Westminster[r], that the chief business in this matter was committed to the Archbishop of Canterbury, the Bishop of Ely, Cox and P. Martyr, May and Taylor, Lucas and Goodrick. By their labours that well-known book entitled "*The Reformation*[2] *of Ecclesiastical Laws, first commenced by the authority of K. Henry VIII., and afterwards matured by K. Edward VI.*," was compiled. It never, indeed, was invested with statutable authority, nor did it receive the[s] royal ratification, which

[q] Reform. Legum Eccl. ad init.

[r] November, 1551.

[s] Strype's Cranmer, p. 271.

[2] "Reformatio legum ecclesiasticarum ex authoritate primum Regis Henrici VIII. inchoata; deinde per Regem Edovardum VI. provecta, adauctaque in hunc modum, atque nunc ad pleniorem ipsarum reformationem in lucem edita."—In titulo.

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was delayed "partly[t] by business and partly by enemies;" and as the death of the young king soon followed, the matter slept. The book was first printed in 1571, with a preface by John Foxe the martyrologist, having remained in manuscript until that year. But though this work never received such sanctions as to render its contents legally binding, yet it is of use in shewing what were the sentiments of our reformers; what were the regulations which they thought expedient for the Church's and nation's welfare; and what would have been the authoritative rules for the decision of ecclesiastical questions if their principles had been fairly and finally carried out. Such a reform in ecclesiastical law as was here inaugurated has been ever since much required. Nor do the circumstances of the present day render a final settlement of so needful a part of jurisdiction less desirable than formerly.

[t] Strype's Cranmer, p. 271.

6. Enacts that a breach of this statute shall be punishable by imprisonment and fine at the king's will.

The sixth provision of this act, according to the order in which we are viewing them, was, that any[u] breach of its enactments on the part of the clergy should be punishable by imprisonment, and fine at the king's will. On which it is only necessary to remark that this, being a penal statute, and involving moreover an extremely fearful degree of punishment, requires to be very[v] precisely construed—that all proceedings taken under it must be restrained within the strict terms of its provisions—and, further, that fanciful inferences from misstatements of historical facts, together with all flourishes of "illustration and ornament," must be considered as ill-suited for its elucidation, and can never be permitted to stand as footstones upon which to rear a superstructure of acceptable interpretation.

[u] 25 Hen. VIII. c. 19, sec. 1.

[v] Blackstone's Com. i. 88.

It is the more necessary to insist on these points, because reliance has been placed on this statute for raising objections even to diocesan synods, as well as for hampering in every possible way the action of the English convocations. It has been supposed to carry with it some expansive powers and mysterious terrors, by which the reception of petitions, appointments of committees, deliberations on ecclesiastical questions, and all the proper engagements and legal functions of our provincial synods are restrained, unless those assemblies should be pre-

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viously qualified by royal license over and above, and in addition to the royal writs for convening them, which issue as matters of course. But such suppositions rest on no foundation whatever; they are merely creatures of the imagination, and begotten by the wishes of those who suggest them.

It is a matter of history that, in the twenty-fifth year of K. Henry VI., A.D. 1447, there were like attempts to overstrain the statute law to the disadvantage of the clergy, who consequently then took leave to remonstrate. "The[w] Archebishopes of Caunterbury and of York, the bishopes and other prelates, and al the clergie of" this "reame of Englande" made a representation to that sovereign respecting the interpretation of the statute of præmunire passed in the sixteenth year of K. Richard II. That representation the clergy of this day have good reason to repeat in respect of the interpretation of the statute of submission passed in the twenty-fifth year of K. Henry VIII. The very words of the clergy of that time befit the mouths of the clergy of this,—not a syllable requires alteration. They are as follow:—"Now of late tyme some men have extendid and peyned 'em to make to straunge and to bitter interpretation of the said statute, such as, if it shulde be suffred and have place, shold turne to intolerable hurt and prejudice of the said prelates, and of spiritual juges in the lande . . . . for hit most of reason be trowed and thought that in the making of the said statute, thentente of the makers was to ordeyne, mesur, and proportion the peyne contiened therein lyke to the offence and trespass, and may not resonably be suppozed that the prelates of the Church that were in the said parlement or other of the king's lieges wold have involved hemself in every caas, that might be comprehended in the said bitter interpretation, in so grete and so grevous a peyne . . . . and semblably some, that rejoyse hem in vexation, trouble or daungeryng and undoyng namly of persones of the Church, make such interpretation as theym list, over and otherwise thenne the wordes sonne[x]."

[w] Conc. Mag. Brit. iii. 555.

[x] Conc. Mag. Brit. iii. 556.

It has been thought necessary to dwell thus long on the subject of the Clergy Submission Act on account of the historical interest which attaches to it in connexion with our subject. As regards its present influence over the provincial synods of our own days, the first point of importance settled by

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it is, that a royal writ must precede the assembling of a convocation. Secondly, as touching the enactment of any new canons, it is clear by this statute that they would not be legally binding (however binding they might be considered in *foro conscientiæ* by Churchmen) unless they received the sovereign's license and assent. And even when fortified by such high approval some authorities imagine that by the present constitution of England the subsequent sanction of the imperial legislature would be required to make them obligatory *in foro externo;* so that fears on the subject of ecclesiastical encroachment in this respect seem highly unreasonable.

III. An unfounded assertion.

It has been a favourite theme among many persons to suggest[3] that the convocations had but little to do with the formal acts connected with the reformation in England; and this theme has supplied matter for sundry essays which are not borne out by the facts of history. Previously to the death of Archbishop Morton, A. D. 1500, as was before observed, the acts of the Canterbury Convocation were recorded in the archbishop's registers. After[y] his time they "were recorded not in the great registers, but in distinct volumes;" and these were kept as the records of convocations, and preserved in their own archives. But these documents, unhappily, perished in the fire of London, A. D. 1666, so that the difficulty of tracing synodical proceedings, during the several stages of the reformation, is much increased. Thus the Church is taken at a vast disadvantage in repelling those rough sallies which have been continually made against her legitimate authority, and in contradicting those positive assertions which deny that she exercised her proper functions in her legitimate synods during that very important period of her history. Still, notwithstanding such disadvantages, sufficient records remain to shew that very much which has been said on this subject is historically false,—a conclusion at which the most prejudiced person who has the patience to consider the facts of the case cannot but arrive.

[y] See Hody, iii. 281.

IV. Proceedings in convocation after the discharge of the papal supre-

The altered situation of the Church of England, in reference to the papal power, and her new relation in reference to the civil state, were

[3] See speeches delivered in the House of Lords, July 11, 1851. Charge of the Archbishop of York, 1853, &c. &c.

macy and the enactment of 25 Hen. VIII. c. 19.

now pregnant with remarkable consequences. The supremacy of Rome had been discharged by competent authority, the "Act of Submission," had become the law of the land, and the great era of the English reformation had now fairly commenced. On account of the important matters upon which we shall henceforth find our convocations engaged, it will be necessary to proceed gradually, and to mark, year by year, the advances which were made by their authority, in bringing back religion to the primitive standard, and also to detail, with greater precision and in chronological order, the exercise of their proper powers in the general management of ecclesiastical affairs.

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Title of legate struck off from their metropolitan by the Canterbury provincial synod.

On the 4th of November[z] (1534) the Convocation of Canterbury met, and was continued to the eleventh of that month. On the latter day a formal act took place, confirmatory of the renunciation of the papal supremacy. It[a] was ordered, that in all documents to be exhibited in this provincial synod, or henceforward in the convocations, the archbishop should be styled "metropolitan," and that the term "legate of the apostolic see," a flourish formerly added to the archiepiscopal title, should be struck out. This convocation was also engaged in the consideration of many "urgent[b] matters concerning heresy, with a view to reformation," and its attention was moreover directed, during its sessions in the[c] month of December, to some English books which had lately been printed; these were committed for examination, in the first place to the[d] bishops, and afterwards to the prolocutor and the clergy of the lower house. Among them, a "prymer[4]" was produced, in which some rubrics were contained, which were condemned by the archbishop[e] and the upper house, as inconsistent with the doctrines of the Church, and therefore improper for the instruction of the people.

[z] Conc. Mag. Brit. iii. 769.

[a] Conc. Mag. Brit. iii. 769, and Coll. iv. 266.

[b] Conc. Mag. Brit. iii. 769.

[c] Conc. Mag. Brit. iii. 769. 776.

[d] Conc. Mag. Brit. iii. 776.

[e] Conc. Mag. Brit. iii. 770.

Address from the synod for the suppression of heretical books and for a translation of the Scriptures.

But the last day (Dec. 19) of meeting in the present convocation appears to have been the most important in its results; for after the prolocutor had communicated to the upper house the censures which had been passed in

[4] This is supposed to have been Marshall's primer, so called because he was the publisher.—Lathbury, 2nd edit. p. 133.

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the lower upon the books committed to their examination, the bishops, abbots, and priors agreed upon an address to the king on the subject. They "unanimously[f] did consent that the most reverend father the archbishop should make instance in their names to the king, that his majesty would vouchsafe, for the increase of the faith of his subjects, to decree and command that all his subjects, in whose possession any books of suspect doctrine were, especially in the vulgar language, imprinted beyond or on this side the sea, should be warned within three months, to bring them in before persons to be appointed by the king, under a certain pain, to be limited by the king. And[g] that, moreover, his majesty would vouchsafe to decree, that the *scriptures*[5] *should*[h] *be translated*[i] into the vulgar tongue, by some honest and learned men, to be nominated by the king, and to be delivered to the people according to their learning."

[f] Conc. Mag. Brit. iii. 770. 776. Strype's Cranmer, p. 24.

[g] Ibid. and Heylin's Ref. p. 20, and Eccl. Vind. p. 8.
[h] Conc. Mag. Brit. iii. 776.
[i] Atterb. Rights, pp. 183-4.

Thus, in our first provincial synod after the assertion of the independence of the English Church, were advances made towards a true reformation, at least, if the discharge of the papal flourish attached to the archbishop's title, if the censure of heretical books, and if the request that the scriptures might be translated into the vulgar tongue, may be so considered.

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V. A. D. 1535. Cromwell. Monasteries. K. Henry VIII. excommunicated by Paul III.

The year 1535 was remarkable for the appointment of Thomas Cromwell, as vicar-general, with a commission to exercise such authority as appertained to the king by his title of "supreme head." The grotesque consequence of this delegated power will appear in the detail of the proceedings of convocation in the next year. A visitation of the[j] monasteries and religious houses was also contemplated, in which Cromwell was destined to play a conspicuous part; and instructions were[k] issued for the management of this enterprise. Whether the recorded appointment of Cromwell on this occasion did not contain[l] matter which extended the regale beyond any just or reasonable bounds, may be left to the unprejudiced judgment of those who may direct their studies that way. This subject of the visitation of the monasteries must[m] be hereafter consi-

[j] Conc. Mag. Brit. iii. 785.

[k] Conc. Mag. Brit. iii. 786. 799.

[l] Vid. Conc. Mag. Brit. iii. 785.

[m] Vid. infra, sec. 17.

[5] Heylin seems to say that this request was put up by *both* Houses.—Att. Rights, pp. 183, 184, quotes Heyl., Reform. Justified, p. 8.

dered at some length, as the effect of that proceeding was to diminish the number of the members of our provincial synods, so that it will necessarily come within the scope of our present enquiry. The formal excommunication of K. Henry VIII. was also issued this year[n] by Pope Paul III. Such a fulmination naturally tended to render the breach already existing between the Roman and English Churches still wider than before.

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[n] Conc. Mag. Brit. iii. 792.

VI. A. D. 1536. Canterbury provincial Synod.

On the 9th[o] of June (1536) a new Canterbury convocation met, in which much important business was transacted. The usual[p] solemnities having been observed, Hugh Latimer, Bishop of Worcester, preached the sermon. The second session was held[q] on the sixteenth of the same month: and Mr. Gwent, who had been elected as prolocutor of the lower house, was admitted by the archbishop to that office. Upon the same day a startling claim was set up by Mr. William Petre, who challenged[r] the chief place in synod, introducing himself as the deputy of Vicar-General Cromwell, and stating that, to the latter, as representing the king's supreme headship, such a mark of pre-eminence belonged. This was certainly an unheard-of proceeding, as being a derivation of ecclesiastical distinction from a somewhat doubtful source, and through a most exceptionable channel.

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[o] Coll. iv. 343.

[p] Conc. Mag. Brit. iii. 803.

[q] Conc. Mag. Brit. iii. 803.

[r] Conc. Mag. Brit. iii. 803.

Cromwell's ridiculous assumption.

But this alleged supremacy of Mr. William Petre was but of short duration, for[s] in the following session[t] Thomas Cromwell himself appeared among the prelates, and took the place[u] of the archbishop. This flourish of usurped power was peculiarly remarkable, and the figure which that gentleman made in an ecclesiastical assembly was somewhat singular, not only because he was a layman, but because he "had[v] neither birth, learning, nor character to bear him out." "For an ignorant layman," says Bishop Godwyn, "to preside in a synod of the most learned bishops that ever were in England was but a scandalous sight. If this function could have been executed by one of the laity, the king would have done much better in person than by such a proxy." There is something shocking in such affectation. The constitution of the English Church, up to this time, knew nothing of laymen taking authoritative places in pure ecclesiastical synods, nor has such a solœcism ever

[s] Conc. Mag. Brit. iii. 803.

[t] June 21.

[u] Coll. iv. 343.

[v] Coll. iv. 343.

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been repeated since the time of Thomas Cromwell. Some wild and unfounded fancies upon this subject, with a view to the introduction of laymen with votes decisive into synods, have of late years, indeed, been broached; and should such enterprises produce any practical results England may see some strange institutions, adorned with still stranger names, inaugurated; but in their establishment apostolical precedent and primitive practice will be disregarded, our provincial synods rudely annihilated, and the principles of the English constitution subverted. Nor will such managements receive much lustre from the ridiculous and solitary examples which our records furnish of the like singularities in the persons of Mr. William Petre and the notorious Thomas Cromwell.

Divorce of Queen Anne Boleyn by the synod.

On the same day on which Cromwell appeared in this preposterous position, Archbishop Cranmer introduced into the convocation the sentence of divorce between the king and Anne Boleyn. It was [w] agreed to by both houses at once; and the necessary seals, with signatures of the members, were attached some days [x] afterwards.

[w] Conc. Mag. Brit. iii. 803.

[x] Conc. Mag. Brit. iii. 804.

Erroneous opitions represented to the synod.

In the fourth session [y], June 23, on which occasion it does not appear that Cromwell displayed himself in his borrowed decorations, Mr. Gwent, the prolocutor, together with the clergy of the lower house, submitted to the archbishop a list of erroneous opinions which some preachers, in the province of Canterbury, had taken leave to promulgate. These opinions were reduced into [z] sixty-seven articles [6], and though the lower house then

[y] Conc. Mag. Brit. iii. 803.

[z] Conc. Mag. Brit. iii. 805—807.

[6] Art. 3. "That priests have no more authority to administer the sacraments than the laity."—Conc. Mag. Brit. iii. 805.

Art. 10. "That a man hath no free will."—Ibid.

Art. 34. "That it is not necessary or profitable to have any church or chancel to pray in or to do any divine service in."—Ibid. 806.

Art. 36. "That burying people in churches and church-yards be unprofitable and vain."—Conc. Mag. Brit. iii. 806.

Art. 52. "That the singing or saying of mass, mattens, or even-song, is but a roring, howling, whistling, murmuring, tonring, and juggling, and the playing at the organs a foolish vanity."—Ibid.

Art. 53. "That a man is not bound to the Church, but only to the preaching."—Ibid.

Art. 64. "That no human constitutions or laws do bind any Christian man but such as be in the Gospels, Paul's Epistles, or the New Testament, and that a man may break them without any offence at all."—Ibid. 807.

conceived them to be worthy of censure, Fuller makes bold to call them the Protestant [a] religion in "oare;" but as has been remarked [b], "unless we had found a richer vein, it may very well be questioned whether the mine had been worth the working." There was, certainly, a considerable amount of dross mixed up with whatever quantity of true metal lay unexplored. For instance, the lower house had just reason to complain of such propositions as are given in the last note. Those there quoted, among sundry others, were extraordinary sallies, and though in the sixty-seven articles represented by the lower house as deserving of censure some propositions are contained which the English Church, in subsequent synods, so far from condemning has adopted, yet the specimens given hardly recommend themselves for general acceptance. For instance, the third, thirty-fourth, thirty-sixth, and fifty-third articles discharge all ecclesiastical proprieties, and disable much of true devotion. The tenth can scarcely find acceptance with our Christian philosophers, or the fifty-second with our musical divines. And as for the sixty-fourth, it seems to strike dead all the principles which engage the research, learning, and eloquence of Westminster Hall, and on which, indeed, the fabric of human society is built.

A. D. 1536. K. Henry VIII.

[a] Conc. Mag. Brit. iii. 805, quoting Fuller's Ch. Hist. lib. 5. p. 208.

[b] Coll. iv. 350.

Complaint against heretical books by lower house.

After the presentment of these erroneous opinions, as they were called, and certainly many of them deserve the title, the lower house complained that certain books, which had been examined and censured by a committee of convocation, were still suffered [c] to remain in the hands of the unlearned, not having been expressly condemned by the bishops. The house represented that arguments were thus furnished ready to the hands of the vulgar, tending to disputation in the Church and disturbance in the State; and it was declared further, that some persons who had renounced the received doctrines and lay under [d] imputations both as regarded "faith and morals" were permitted to teach singular opinions without authority.

[c] Coll. iv. 348.

[d] Coll. iv. 348.

Articles of 1536 confirmed by the synod.

But the most important act of this convocation was the ratification of a body of articles of faith then thought fit for the guidance and direction of the English Church. On the 11th of July the

A.D. 1536. Archbps., Thomas Cranmer, Edward Lee.

draft of them was brought into the synod by Edward Fox, bishop of Hereford, and, after having been read over, they were approved and subscribed[e] by both houses. They were in number ten[f], and are familiarly known by the title of the Articles of 1536. The subjects to which they refer are—1. the creeds; 2. baptism; 3. penance; 4. the sacrament of the altar; 5. justification; 6. images; 7. of honouring saints; 8. of praying to saints; 9. rites and ceremonies; 10. purgatory. Though some Romish errors were still retained, yet progress towards reformation was made, for the canon of Scripture is referred to as the groundwork upon which preachers should instruct the people: and though images were to be retained, yet kneeling to them and other acts of worship were forbidden. Thus several usages[g] of the Roman communion were discharged, and some of its most offensive doctrines softened down. So that some sure advances in restoring[h] the English Church to the primitive standard were here made, and a gradual reformation of religion was thus carried on by legitimate synodical authority. It is worthy of remark that, in the subscriptions of the two houses of convocation appended to these articles, Cromwell took leave to sign his name first[i]; which, indeed, has a marvellous appearance, as preceding that of the Archbishop of Canterbury. The Archbishop of York and the Bishop of Durham's signatures also appear; but this may be accounted for by the fact that on several important occasions the northern prelates have appeared in the convocation of the southern province. Many copies of these articles were sent down by the king's command into the north, together with the original draft signed by the hands of convocation, amounting to the number[j] of 116 bishops, abbots, priors, archdeacons, and proctors of the clergy. And in order to aid in appeasing a rebellion which was there excited on religious grounds during this year, the Duke of Norfolk, as the king's lieutenant, received orders to disperse these copies, that the clergy and others "might[k] understand it was a proper act of the Church, and no innovation of the king and a few of his counsellors." Upon which it may be remarked, that at this time there appears to have been a reasonable distinction, at least in some points, kept up between the proper functions of the ecclesiastical and civil power.

[e] Conc. Mag. Brit. iii. 803.

[f] Conc. Mag. Brit. iii. 817 et seq. Coll. iv. 352.

[g] Coll. iv. 367.

[h] Strype's Mem. Cranmer, p. 44.

[i] Conc. Mag. Brit. iii. 823, ex MS. Cott. Cleop. E. v. fol. 59. Coll. iv. 364.

[j] Strype's Mem. Cranmer, p. 40.

[k] Ibid. & p. 41.

A.D. 1536. K. Henry VIII.

Holy days defined by the synod.

The eighth session of this convocation[l] was devoted to the consideration of the Church holy days. Under the Roman system holy days had been multiplied to such an extent as to give colourable pretences for idleness; and in consequence of frequent cessation[m] from labour difficulties in harvesting the crops had arisen, and intemperance also had increased. Now that the English Church had recovered her liberty with regard to such appointments, it appeared right that some remedy should be applied to these disorders. A new settlement was therefore in this respect made, and agreed[n] to by both houses of convocation; and such an ordinance was established for the celebration of holy days throughout the year as seemed fit. This act of convocation took place on the 19th of July[o], and was subsequently ratified by the king; upon which a copy[oo] was sent to all the bishops, with an order that they should take care that its provisions were enforced. The first Sunday in October was appointed as the feast of dedication for all churches, in lieu of the feast of the patron saint of each particular church, which had heretofore been called the *church-holiday*, and of which the church-wake—at this present time an intolerable nuisance in some parishes—is an unworthy remnant. Holy days falling between the 1st of July and the 29th of September were left open to labour, with the exception of the feasts[p] of the Apostles, the Virgin Mary, and S. George, and those feasts when the judges did not sit at Westminster. But upon such holidays as were abrogated[q], though the laity were not to be exhorted to keep the festival, it was decided that the usual service might[r] be performed in the church by all priests and clerks, as well regular as secular. These were matters clearly within the jurisdiction of the English Church, and we find them here legitimately dealt with by synodical authority.

[l] July 19.

[m] Conc. Mag. Brit. iii. 823.

[n] Conc. Mag. Brit. iii. 803.

[o] Conc. Mag. Brit. iii. 803.

[oo] Conc. Mag. Brit. iii. 823.

[p] Conc. Mag. Brit. iii. 824.

[q] Conc. Mag. Brit. iii. 824.

[r] Conc. Mag. Brit. iii. 824.

Decision of the synod respecting the papal summons to Mantua.

The last session[s] of this convocation of 1536 was held on the 20th of July, and the question proposed to the assembly was whether K. Henry lay under any obligation to attend a council lately summoned by the Pope. Now as the English Church had advanced so far towards a reformation and the recovery of her just liberties, the Canterbury Synod was extremely watchful in guarding against foreign interference. The papal council[t] was summoned to meet at Mantua, and it was reasonably to

[s] Conc. Mag. Brit. iii. 803.

[t] Coll. iv. 367.

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be expected that its censures would be directed against the late assertion of ecclesiastical independence in England. In order, however, to weaken the force of this assembly, and to make its proceedings more inoffensive, it was deemed right that the English Church should come to some resolution on the subject, and offer their sense both as to the jurisdiction of the proposed council and the authority by which it was to be convened. An instrument, therefore, was introduced on this day in reference to the subject, which was agreed to[u] and subscribed by both houses. The names of the archbishop, fourteen bishops, and more than fifty convocation men[v] appear on the list. The tenour of that instrument sets forth the views of convocation on the subject of councils—witnessing to their advantages; but at the same time adding that neither the Bishop[w] of Rome nor any one prince may call such assemblies without the consent of other princes; and the conclusion therefore was, that the king should not[x] make his appearance in the proposed Mantuan council. This was the last act of the convocation of 1536; and as soon as this matter was decided the meeting broke up.

[u] Conc. Mag. Brit. iii. 803.

[v] Conc. Mag. Brit. iii. 809. & Coll. iv. 369.

[w] Conc. Mag. Brit. iii. 809. & Coll. iv. 369.

[x] Conc. Mag. Brit. iii. 803.

This, it must be admitted, was an active provincial synod. The ratification of the sentence of divorce between the king and Q. Anne Boleyn—the representation of erroneous opinions—the complaint against heretical books—the establishment of "the Articles of 1536"—the definition of the holy days to be observed in the English Church—and the decision respecting the authority of a papal council, were the matters which occupied the attention of the assembly. These subjects came properly within its jurisdiction, and the members appear to have discharged their duty in such a way as reflects credit on their memories. Doubtless error was still mixed up with evangelical truth; still there is much reason to rejoice in the progress made towards restoring the religion of the country to the primitive standard. To borrow the words[y] of Strype in reference to a part of their proceedings, "Let not any be offended herewith, but rather let him take notice what a great deal of Gospel doctrine here came to light; and not only so, but was owned and propounded by authority to be believed and practised. The sun of truth was now but rising, and breaking through the thick mists of that idolatry, superstition, and igno-

[y] Mem. Cranmer, p. 44.

rance that had so long prevailed in this nation and the rest of the world, and was not yet advanced to its meridian brightness."

A.D. 1536. K. Henry VIII.

York provincial synod.

The York Convocation met this year under Archbishop Edward Lee. Ten articles were proposed to the members, but their answers, which are upon record [z], shew a desire to resist the advances made towards reformation in the southern synod. It is probable that [a] they were the more inclined to shew this resistance from the expectation of support which they hoped to receive from the rebels in the north. The rapacity of the [b] commissioners appointed for the visitation of the monasteries had there excited the utmost discontent; and when both the regular and secular clergy united in complaint, the people broke out into open rebellion. Indeed it was hard for the vulgar capacity to reconcile the iniquitous pillage of religious institutions with Christian maxims, purity of intention, and a true desire for reformation; and the consequence was open resistance. Dr. Mackrel, Prior of Barlings, disguised as a mean mechanic and bearing the name of Captain Cobler [c], headed a body of 20,000 men in Lincolnshire, who, though acknowledging the king's supremacy in a defensible sense, yet complained of the suppression of the monasteries, said that evil counsellors surrounded his majesty, that mean persons were raised to offices of dignity, and that the plate and jewels of the parochial churches were exposed to danger of pillage. Mackrel was executed; but a gentleman of the name of Ashe took up the cause, when an army [d] of 40,000 men flocked to his standard from the counties of York, Lancaster, Durham, and the northern provinces. Hull and York fell into their hands. The rebellion was ultimately suppressed, and many of the leaders executed; but it is likely that this disturbed state of affairs in the north, united with hopes of a successful resistance to the court party, may have emboldened the members [e] of the York synod to take this opportunity of declaring against the royal supremacy as now challenged, and to oppose changes in the formerly received religion.

[z] Conc. Mag. Brit. iii. 812, 813.

[a] Coll. iv. 386.

[b] Hume, chap. xxxi. p. 330.

[c] Hume, chap. xxxi. p. 330.

[d] Hume, chap. xxxi. p. 300.

[e] Coll. iv. p. 386.

VII. A.D. 1537. National synod.

In the year 1537 the two provinces were united in a national [f] synod. Cromwell appeared [g] on the occasion and declared the object of their meeting. His speech was in these words:—

A.D. 1537.

[f] Wake's State, p. 584.

[g] Att. Rights, p. 397.

A.D. 1537. Archbps., Thomas Cranmer, Edward Lee.

Cromwell's speech.

"Right reverend fathers in Christ, the king's majesty giveth you high thanks that ye have so diligently, without any excuse, assembled hither according to his commandment; and ye be not ignorant that ye be called together to determine certain controversies which, at this time, be moved concerning the Christian religion and faith, not only in this realm, but also in all nations thorow the world. For the king studieth day and night to set a quietness in the Church; and he cannot rest until all such controversies be fully debated and ended through the determination of you and his whole parliament. And he desireth you, for Christ's sake, that all malice, obstinacy, and carnal respect set apart, ye will friendly and lovingly dispute among yourselves of the controversies moved in the Church; and that ye will conclude all things moved by the word of God. Ye know well enough that ye be bound to shew this service to Christ and to his Church; and yet, notwithstanding, his majesty will give you high thanks if ye will set and conclude a godly and perfect unitie. Whereunto this is the only way and means, if ye will determine all things by the Scripture, as God commandeth you in Deuteronomie, which thing his majesty exhorteth and desireth you[h] to do."

[h] Wake's State, p. 584.

Such were the objects to which this national synod was to apply itself. As soon as Cromwell's speech was ended, "the bishops rose up altogether, giving thanks unto the king's majesty not only for his great zeal towards the Church of Christ, but also for his most godly exhortation worthy so Christian[i] a prince." And then the debates in the assembly on the subjects proposed began forthwith[k]. As may reasonably be supposed, while changes so important were taking place in the doctrines of the Church, our divines were divided into two parties. Those who were most forward in promoting the principles of the reformation were Thomas Cranmer[l], archbishop of Canterbury, Thomas Goodrick, bishop of Ely, Nicholas Shaxton, bishop of Sarum, Hugh Latimer, bishop of Worcester, Edward Fox, bishop of Hereford, John Hillsey, bishop of Rochester, William Barlow, bishop of S. David's. Those who adhered more closely to the previously received doctrines, with the exception of the Pope's supremacy, which, as we have seen, had been discharged by an almost universal consent,

[i] Att. Rights, p. 397.
[k] Att. Rights, pp. 397, 398.

[l] Coll. iv. 350. & Hume, chap. xxxi. p. 329.

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and by the formal acts of the two convocations, were Edward Lee, archbishop of York, John Stokesly, bishop of London, Cuthbert Tunstal, bishop of Durham, Stephen Gardiner, bishop of Winchester. Robert Sherburne, bishop of Chichester, and Richard Nix, bishop of Norwich, who had been also adherents of this party, had lately departed this life [m].

[m] Coll. iv. 374.

Into this national synod Cromwell took leave to introduce John Alesse [n], a Scotch divine [7]. As the debate proceeded Alesse, having liberty to address the assembly, proceeded [o] to declare his opinions upon the sacraments, and laboured to shew that holy baptism and the eucharist only were of divine institution. John Stokesly, bishop of London, endeavoured to controvert this proposition, and arguing from Gratian's decretum "disputed with some [p] vehemence for the received number seven." Edward Lee, archbishop of York, and the Bishops of Lincoln, Bath and Wells, and Chichester followed on the same side.

[n] Att. Rights, p. 397. & note 7 infra.

[o] Coll. iv. 349.

[p] Coll. iv. 349.

Archbishop Cranmer's speech.

Archbishop Cranmer next addressed a learned discourse to the assembly upon the sufficiency of the Scriptures and the efficacy of the sacraments, adding some remarks upon tradition, monastic [q] vows, celibacy of the clergy, and other subjects which were unsupported by revelation. In the prosecution of his argument he made use of these words, "To determine any thing, especially in a synod, without warrant from the scriptures was not becoming the character of a bishop;" and he added "that the nicety and jargon of the school divines was more proper for boys in the university than divines in such a solemn assembly."

[q] Coll. iv. 349.

Bishop Fox's speech.

The Bishop of Hereford, Edward Fox, supported Cranmer's views. He told the assembled divines that "for [r] the prelates to mistake in religion, and miss their way, would be more disreputable than formerly, for now the gospel appeared in so distinguished a manner, that even common people were enlightened. That in Germany, where he had been ambassador, they had recourse to the original Greek and Hebrew, and translated the Holy Scriptures into their own language. That, by these assistances, the

[r] Coll. iv. 349.

[7] Collier places the introduction of this man into the Canterbury synod in the year 1536, but it appears that the learned historian was misled by Bp. Burnet, Hist. Ref. vol. i. p. 214. See Atterbury's Rights, &c. p. 397.

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people had little occasion for commentaries and glosses, but were able to instruct themselves in a great measure. That this precedent of theirs was very commendable, and ought to be followed; and that now we ought not to be wholly governed by interpreters, but have recourse to the Holy Scriptures themselves."

The "Institution of a Christian Man."

Such are specimens of the arguments which were held in this national Synod of 1537. The chief and most lasting result of their deliberations was the publication of the book entitled "*The*[8] *Institution of a Christian Man*." This book was sometimes called the "bishops' book," because the original[s] draft of it was compiled by a committee, appointed at the request of Cranmer, among whom certain bishops[9] were the chief members. It was drawn up chiefly for the direction of the bishops[t] and clergy, who were to govern themselves and the flocks committed to their care by this rule. Thus it took the place of an authoritative standard for the regulation of public service, and of the doctrines which should be promulgated from the pulpit. Its teaching[u] is directed, first, to the interpretation of the creed; it then speaks of matrimony, baptism, confirmation, penance, confession, the eucharist, orders, and extreme unction. In speaking of the first four commandments, the use of images is recommended, but worship to them forbidden. Restraint is laid on invocation of saints. The Christian obligation of the Lord's day is enforced, and some other holy days recommended; directions for behaviour at church are laid down, and cautions against superstitious excesses are introduced. In treating of the second table of the law, this book speaks of the duty of subjects to the civil power, and of passive obedience. After the exposition of the Ten Commandments and the Lord's Prayer it proceeds to the "Ave

[s] Strype's Mem. Cranmer, pp. 51, 52.

[t] Coll. iv. 400.

[u] See Coll. iv. 400—409.

[8] "The godly and pious Institution of a Christian Man, containing the exposition or interpretation of the common creed, of the seven sacraments, of the ten commandments, and of the pater noster, ave Maria, justification, and purgatory." Printed by Berthelet, 1537.

[9] "Archbishop Cranmer, Stokesly, bishop of London, Gardiner, bishop of Winchester, Sampson, bishop of Chichester, Repps, bishop of Norwich, Goodrick, bishop of Ely, Latimer, bishop of Worcester, Shaxton, bishop of Salisbury, Fox, bishop of Hereford, Barlow, bishop of S. David's, with other bishops and divines." —Strype's Mem. Cranmer, p. 51.

Maria," that is, the angel's salutation mentioned in [v] S. Luke's Gospel. This is asserted not to be a prayer, properly speaking, but to have been subjoined to the Lord's prayer by the Church, in the nature of an hymn. On the article of justification much true and Catholic doctrine appears. This gift is said to be granted for the merits and satisfaction of the death of our blessed Saviour. Good works are denied as prevailing to obtain it; but the benefit is annexed to certain conditions on our part, such as the observance of our Saviour's commands, and the fulfilment of offices of charity. The conclusion of the book is devoted to the doctrine of purgatory, which is explained to a somewhat more inoffensive sense than had previously prevailed. for the Pope's pardons for the delivery of souls are declared insignificant, and the masses offered at "scala cœli," and before celebrated shrines or images, are pronounced unavailing. It is worthy of observation, that this book, under the head of orders [w], declares the commission of the clergy to be from God, and in no ways dependent on the civil magistrate, which makes it somewhat remarkable that K. Henry VIII., if his opinions on that subject were so singular as sometimes has been represented, should have had so great a regard for this production. For he had it published, under authority, by the royal [x] printer, and also sent it to King James V., of Scotland, "hoping thereby [y] to induce him to make the like reformation in the realm of Scotland as was made in England."

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[v] Chap. i. 28.

[w] Coll. iv. 409.

[x] Strype's Mem. Cranmer, p. 52.

[y] Heylin's Hist. Ref. p. 19.

It is quite clear that this book had full synodical sanction [z]. It was [a] signed by both archbishops and all the bishops of the two provinces, by eight archdeacons, and seventeen doctors of divinity and law. The subscriptions of the lower house are not, indeed, very numerous, but it is questioned whether the transcriber, Dr. Ward, made so complete a list as he might have done [b]. Heylin, who had an opportunity of consulting the convocation registers now so unhappily lost [c], speaks every where [d] of this book as authorized by that body. Foxe [e], who lived near the time, called the meeting in which this book passed, on more than one occasion, a convocation. Cranmer himself called this assembly, in his letter to one of the [f] deans of his peculiar jurisdiction, "a most learned council of archbishops, bishops, and other learned men of this kingdom, con-

[z] See Coll. Eccl. Hist. v. 105.

[a] Strype's Mem. Cranmer, p. 54. & Coll. iv. 409.

[b] Coll. iv. 409.

[c] Hist. Ref. pp. 9—19.

[d] Att., Rights, p. 185, quotes Heylin's Misc. Tracts, pp. 11. 519.

[e] Att., Rights, p. 185, quotes Foxe, vol. ii. pp. 503-5.

[f] Conc. Mag. Brit. iii. 827.

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sulting on the affairs of religion." Burnet[g] and Wake[h] both speak of this book as having been the work of convocation. Furthermore, the preface to the book itself is called the "CONVOCATION'S preface[i] to THEIR book, entituled, the Godly and Pious Institution of a Christian Man," and this document runs in the name of "Thomas[j], archbishop of Canturbury, Edward, archbishop of Yorke, and all other the bishops, prelates, and archdeacons of this realme." To which it may be added, that in this preface they take occasion to remind the king, when offering their book to be printed, that without his power and licence "we have none authority eyther to assemble ourselves together for any pretence or purpose, or to publishe any thing that might be by us agreed upon and compyled." This is a convincing proof that the assembly using such expressions considered itself a duly constituted and authoritative synod, having regard to the terms of the late Submission Act, the provisions of which referred only to such a body.

[g] Att., Rights, p. 184, quotes Hist. Ref. vol. i. p. 245.
[h] Att. Rights, p. 184, quotes Appeal, p. 28.
[i] Conc. Mag. Brit. iii. 830.
[j] Conc. Mag. Brit. iii. 830.

After the convocational business connected with this remarkable book was completed, leave for the bishops to depart to their respective homes was obtained, as the plague was now[k] raging in Lambeth, and the people were dying even at the palace doors. Cranmer retired to his house at Ford, near Canterbury. But the book was delivered to Cromwell, who placed it in the king's hands.

[k] Strype's Mem. Cranmer, p. 51.

Before taking leave of the year 1537, it may be remarked that in this year the translation of the scriptures called "Matthews' Bible," printed by Grafton, was[l] completed and delivered into Archbishop Cranmer's hands[m], in August, at his residence at Ford. It will be remembered, that the translation of the scriptures had been recommended by the Canterbury Convocation three years before, in their session held[n] December 19, 1534.

[l] Vid. inf. sec. xi.
[m] Strype's Mem. Cranmer, p. 57.
[n] Conc. Mag. Brit. iii. 770. Strype's Cranmer, p. 24. Heylin's Ref. p. 20. Att. Rights, p. 183.

Thus some further advances were made towards a true reformation, under legitimate synodical authority.

VIII. A.D 1539. "Statute of Six Articles," 31 Henry VIII. c. 14.

The Convocations of Canterbury[o] and York[p] met in the year 1539[q] simultaneously on the 2nd of May. The king had become displeased[r] with Archbishop Cranmer and some of the bishops of the reforming party, because they had resisted propositions in parliament,

[o] Conc. Mag. Brit. iii. 845. A. D. 1539.
[p] Conc. Mag. Brit. iii. 850.
[q] 1539.
[r] Strype's Mem. Cranmer, p. 72.

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which suggested that all the monasteries should be suppressed solely for his majesty's enrichment. They assented so far, as that the king should reclaim what his ancestors had bestowed upon religious foundations; and this was a concession not unexceptionable: but they thought that the residue at least, even if it had been misapplied, should be now devoted to some [s] pious uses. It is believed, on account of their incompliance on this head, that the king prevailed with his parliament in this year to make the "terrible bloody act of the six articles [t]," which imposed some of the most offensive doctrines and usages of the Roman Church, under the most fearful penalties for non-compliance; death by burning, and forfeiture [u] of all possessions to the king's use, being some of the punishments awarded. This was certainly reforming backwards. But the king's principles, with all reasonable regard to his memory, appear to have been of the most changeable character. He hanged three Romanists [1] at Smithfield for denying his supremacy, and, at the same time and place burnt three reformers [2] by virtue of the act before mentioned [v]; no unity appears in his proceedings, except in those which appropriated the goods of others to his own use. If his faith had been as firm and uncompromising as his determination to furnish his exchequer and fill the privy purse, his whole character would have had a clearer complexion, and his conduct would not have carried upon it so plain a face of interest. But he was apt to do and undo, to make and unmake in such sort, as to lead to the belief that no lasting object was consistently proposed by him, except to "make a gain of godliness." It must be confessed that his proceedings, in spiritual matters, have all the appearance of the fickleness of a child:

> "....as [3] when ashore an infant stands,
> And draws imagined houses in the sands,
> The sportive wanton, pleased with some new play,
> Sweeps the slight works and fashioned domes away [w]."

And if his public and private misdeeds could all be set down to childish impertinence, if no deeper motives of avarice

[s] Strype's Mem. Cranmer, p. 72.

[t] 31 Hen. VIII. c. 14.

[u] 31 Hen. VIII. c. 14, s. 1.

[v] Fuller, Ch. Hist. b. 5, p. 235.

[w] Pope's Homer. Il. xv. 416—419.

[1] Three Romanists, Ed. Powell, Thos. Abley, Rich. Fetherston.

[2] Three reformers, Robt. Burns, D.D., Thos. Gerard, B.D., Will. Jerom, B.D.

[3] .... ὡς ὅτε τις ψάμαθον πάϊς ἄγχι θαλάσσης,
ὅστ' ἐπεὶ οὖν ποιήσῃ ἀθύρματα νηπιέῃσιν,
Αψ αὖτις συνέχευε ποσὶν καὶ χερσὶν ἀθύρων.—Hom. Il. xv. 362-4.

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or lust prompted them, much injustice has been done to his memory.

On the third day after the meeting of the two convocations, the lord chancellor acquainted the upper house [x] of parliament, that the king, being anxious to set at rest controversies connected with religion, had desired him to move that a committee of the lords should be appointed for examining differences of opinion and making a report. The committee was appointed, but as the members were divided in their views, no good result ensued; the Archbishop of Canterbury, the Bishops of Ely and Worcester, together with Cromwell, favouring opinions which were not palatable to the remainder of the committee, viz., the Archbishop of York, the Bishops of Durham, Bangor, Bath and Wells, and Carlisle.

[x] Coll. v. 35.

As the committee made no progress, the Duke of Norfolk being desirous that the matter should be treated of by the whole house, submitted six articles, with a request that, after examination, they might be passed [y] into an act. Archbishop Cranmer argued, with much vehemence and learning, against them; and as he was himself a married [z] man, the third article, which enforced celibacy on the clergy, may be justly supposed to have called forth all his powers of eloquence, and the king [a] had such opinion of Cranmer's learning, that he sent for a copy of his arguments. On the same side with Cranmer were the Bishops of Ely, Sarum, Worcester, Rochester, and S. David's; against him were the Archbishop of York, and the Bishops of Durham, Winton, and Carlisle. The king argued himself on the latter side, and the lay lords of parliament seemed unanimous for the bill; the "pliant" Audley and Cromwell, as usual, taking part with their royal master. On the thirtieth [b] of May, Lord Chancellor Audley moved the lords, that this business should be brought to an issue, and in consequence of his urgency two committees were appointed. Each were to draw their own bill, and a choice between the two was to be made by the king. The first [c] committee was composed of Archbishop Cranmer, the Bishops of Ely and S. David's, assisted by Dr. Petre. The second committee consisted of the Archbishop of York, the Bishops of Durham and Winchester, assisted by Dr. Tregonnel. But as the business touched matters of faith and ecclesiastical discipline, it was thought right to

[y] Coll. v. 36.

[z] Strype's Mem. Cranmer, p. 73.

[a] Strype's Mem. Cranmer, p. 73.

[b] Coll. v. 36.

[c] Coll. v. 37.

consult the convocation, before the bill selected should be passed into an act. For the time had not then arrived when the distinctive functions of synods and parliaments were so hopelessly confused as has been the case in later times. A.D. 1539. K. Henry VIII.

Canterbury provincial synod.

On the 2nd of June, therefore, certain questions[d] bearing on the matter in hand were sent down to the Canterbury Convocation. They were laid before the whole assembly, and delivered by Cromwell into the hands of the prolocutor, with a request that answers to the several inquiries should be returned on the following Thursday.

[d] Conc. Mag. Brit. iii. 845.

The questions submitted by parliament to the convocation were as follow:—

1. Whether there be in the sacrament of the altar transubstantiation of the substance of bread and wine into the substance of flesh and blood, or not?

2. Whether priests being ordered may, after they be priests, marry by the law of God, or not?

3. Whether the vow of chastity of men and women, made only to God, bindeth by the law of God, or not?

4. Whether auricular confession be necessary by the law of God, or not?

5. Whether private masses may stand by the law of God, or not?

6. Whether it be necessary by the word of God that the sacrament of the altar should be ministered in both kinds, or not?

To these specific questions the convocation returned answers[e] which were in accordance with Romish doctrine.

[e] Conc. Mag. Brit. iii. 845, 846.

In answer to the first, they assert unmistakeably the grave error of transubstantiation.

As to the second, they forbid the marriage of priests.

As to the third, they insist on the obligation of monastic vows.

As to the fourth, they say that "auricular confession is expedient and necessary to be retained, and" continued, used, and frequented in the Church of God.

As to the fifth, they urge the necessity of private masses being maintained in the English Church.

And as to the sixth, they permit half communion.

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Statute of the Six Articles passed.

On the 7th[f] of June the draft of the bill which had been prepared by the Archbishop of York and the committee joined with him was brought into the House of Lords; and its contents being fortified by the answers received from the convocation, it was read the first time. With such dispatch was this business hurried on, that three days[g] afterwards[h] the bill was engrossed and read the third time. In the commons no difficulty was interposed, for on the 14th of the same month it went through that house, was remitted to the lords, received the king's sign manual on the 28th, and so passed into the act 31 Hen. VIII. c. 14.

[f] Coll. v. 37.

[g] June 10.

[h] Coll. v. 37.

Its cruel provisions.

The provisions of this "bloody bill[i]" were of the most unheard-of severity. A denial of the first article, relating to transubstantiation, subjected[j] the offender to death by burning and a forfeiture of goods, as in case of high treason. A denial of any of the other five, which maintained half-communion[k], celibacy of the priesthood[l], perpetuity of monastic vows[m], private masses[n], and auricular confession[o], was punishable with death[p] and forfeiture, as in cases of felony. The king when framing this law meditated rough treatment both for reformers and Romanists[q]; but the reformers suffered most lamentably. Cranmer, who had married Osiander's niece, was obliged to remit her to her friends at Nuremburg. Latimer, bishop of Worcester, and Shaxton, bishop of Sarum, were compelled[r] to throw up their bishopries, and changed their palaces for a prison. No less than five hundred[s] persons of slenderer figure and fortune were incarcerated. As some of the courtiers, however, together with Archbishop Cranmer, remonstrated against the extreme cruelty which would attend the full execution of the statute, these prisoners were afterwards set at liberty, and the "bloody act" slept for a season. But it was shortly after revived in all its horrors. K. Henry VIII. under its provisions worked destruction to the reformers; while, on the other hand, he put to death Romanists for denying his supremacy. Both[t] were dragged on the same hurdle to Smithfield, and perished together. And so our king made use of the acts of his servile legislature to prove to all men by the bitterest examples that he would permit none to differ with

[i] Hume, chap. xxxii. p. 335.

[j] 31 Hen. VIII. c. 14, sec. 1.

[k] Ibid. sec. 2.

[l] Ibid. sec. 3.

[m] Ibid. sec. 4.

[n] Ibid. sec. 5.

[o] Ibid. sec. 6.

[p] Ibid. sec. 6.

[q] Hume, chap. xxxii. p. 336.

[r] Strype's Mem. Cranmer, p. 73.

[s] Hume, chap. xxxii. p. 337.

[t] Southey's Book of the Ch. vol. ii. p. 85.

impunity from the uncertain standards of faith and doctrine which were acceptable to his own capricious will. A.D. 1539. K. Henry VIII.

This terrible act, 31 K. Henry VIII. c. 14, was qualified by 35 K. Henry VIII. c. 5, and happily repealed by 1 K. Edward VI. c. 12, s. 3. Perhaps no greater blot ever appeared on the English Statute Book.

After the six questions before referred to had been proposed to the Canterbury Convocation on the 2nd of June, that assembly held six sessions, and on the 1st[u] of July was prorogued.

[u] Conc. Mag. Brit. iii. 846.

IX. Canterbury provincial synod of Nov. 4, 1539.

The Canterbury Convocation met again on the 4th of November (1539). The Romanist party having, as they hoped, gained a step by the enactment of the statute[v] of the six articles, endeavoured to push their advantage by obtaining the sanction of convocation to a book entitled "*Ceremonies to be used by the Church of England.*" The whole tendency[w] of this production was to favour the superstitious usages of the Roman Church. The topics on which it dwelt were these: churches[x] and churchyards; baptism; the ordering of ministers; divine service; matins, prime, and other hours; ceremonies used in the mass; Sundays, with other feasts; bells; vesture and tonsure of ministers, and what service they be bound unto; bearing candles upon Candlemas day; fasting days; the giving of ashes; the covering of the cross and images in Lent; bearing of palms; the service of Wednesday, Thursday, and Friday before Easter; the hallowing of the oil and chrism; the washing of the altars; the hallowing of the font upon Saturday in the Easter even; the ceremonies of the resurrection in Easter morning; general and other particular processions; benedictions of bells or priests; holy water and holy bread; a general doctrine to what intent ceremonies be ordained, and of what value they be[y]. According to Strype's belief it was in this convocation[z], which began sitting November 4, 1539, that these subjects were reduced into eighty-eight articles. Archbishop Cranmer argued strenuously against their adoption, and confuted the doctrines contained in them, "which[zz] were laboured to be received, but were not."

[v] 31 Hen. VIII. c. 14.

[w] Strype's Mem. Cranmer, p. 74.

[x] Strype's Mem. Cranmer, p. 74.

[y] Strype's Mem. Cranmer, p. 74, Citing Cott. MSS. Cleopat. E. 5, p. 259.

[z] Strype's Mem. Cranmer, p. 75.

[zz] Strype's Mem. Cranmer, p. 75.

This convocation was continued to the 16th of January, 1540 N.S., and then prorogued.

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X. A.D. 1540. National synod.

On the 14th[a] of April, 1540, the Canterbury provincial synod met at S. Paul's, London. In the first[b] session Mr. Gwent, archdeacon of London, was elected prolocutor, and in the second was duly presented for confirmation. In the two next[c] sessions questions of subsidy were arranged. And then, by the admission of the Archbishop[d] of York, the Bishops of Carlisle and Durham, the Archdeacons of York, the East-riding, Cleveland, Northumberland, and Carlisle, together with a large number of the northern[4] proctors, this convocation was converted into a NATIONAL SYNOD. The object of calling this full ecclesiastical assembly was to have questions discussed and evidence produced relative to the proposed divorce between K. Henry VIII. and Anne of Cleves, in order to a final settlement of that matter.

[a] Conc. Mag. Brit. iii. 846.
[b] Conc. Mag. Brit. iii. p. 850.
[c] Conc. Mag. Brit. iii. 850.
[d] Conc. Mag. Brit. iii. 851.

A digression—Contract of marriage between K. Henry VIII. and Anne of Cleves.

For the true understanding of this business we must recede a few paces. Cromwell, perceiving his interest at court decline, and finding that of his opponents in the ascendant, imagined that, if he could arrange a matrimonial connexion between his royal master and some of the princes of Germany, lost ground might be recovered; for the minister's observation had led him to believe that the king was somewhat swayed by the influence of his queens. He therefore urged a treaty with Duke William, the brother of Anne of Cleves, for an alliance between that lady and the king. Her portrait, drawn by Hans Holbein, was sent over for the king's inspection, and his approval of the original. But that renowned painter took leave, as is not unusual with the popular members of his profession, to improve on his subject. The king misliking neither the portrait nor the alliance concluded the match, and the betrothed lady arrived in England[e] with a splendid equipage. On the occasion of a meeting at Rochester the difference between the representation of the lady's person and the real life disappointed his majesty; but nevertheless he concealed his feelings, and treated her with sufficient propriety. As the business had proceeded so far, he thought it too late to disentangle himself by any rough measure, but still a circumstance existed which for a time brought matters to a stand:

[e] Coll. v. 57.

[4] "Necnon clero utriusque provinciæ in frequenti admodum multitudine."—Conc. Mag. Brit. iii. 851.

for a pre-contract of marriage existed between [f] Anne of Cleves and the Duke of Lorraine's son. After some delay, however, the Duke of Cleves' commissioners [g] undertook to procure a formal discharge of this previous instrument, and a declaration of release was also made by the lady. Under these circumstances the king told Cromwell that there was no room for evasion, and that he must now of necessity "put [h] his neck in the yoke." The next day the royal nuptials were celebrated at Greenwich; and the king at that time resolved to cement a confederacy with the German princes, provided that a satisfactory agreement on the subject of religion could be arranged. But as the queen's person and language—for she spoke nothing but Dutch—were distasteful and strange to his majesty, and moreover as she had no skill in music, an accomplishment valued by her husband, he appears to have found no engagement in her society. In addition to this, the promised instrument for annulling the pre-contract was either not now produced or unsatisfactory. The king therefore determined to part with the queen, and with Cromwell also, who had promoted the marriage. Cromwell was arrested [i] at the council table, attainted of high treason, convicted, and executed [j] on Tower Hill, July 28, 1540. The proceedings against this man, by the way, "were thought extremity [k] of justice, to speak softly;" but it may be remarked, that in the severities which the government inflicted on others, he had not himself exercised any remarkable strains of compassion. As an ambassador to the Duke of Cleves, John Clarke, Bishop of Bath and Wells, was sent to say that the instrument for annulling the pre-contract between Anne of Cleves and the Duke of Lorraine's son was deemed insufficient, and that the king had determined to dissolve his marriage. The Duke of Suffolk also waited on the queen at Richmond to acquaint her with her husband's resolution, and persuaded her to comply with the terms he proposed—which were "first [l], to refer the matter of the pre-contract to the decision of the English clergy; secondly, to drop her title of queen, and take that of the king's adopted sister."

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[f] Coll. v. 57.

[g] Jan. 16, 1540 N.S.

[h] Coll. v. 58.

[i] Coll. v. 60.

[j] Biograph. Dict. in loco.

[k] Coll. v. 60.

[l] Coll. v. 63, 64.

The question of her pre-contract referred to the national synod.

To the national synod, constituted as before detailed, the question above mentioned was referred. For this purpose the assembly met at the chapter-

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house[m], Westminster, on the 7th of July (1540). The synod was fully attended both by members of the northern and southern[n] provinces. Archbishop Cranmer detailed the object[o] of the meeting; and Mr. Gwent, the Canterbury prolocutor, exhibited[p] the royal letters calling upon the synod to proceed in the matter of the divorce. Gardiner, bishop of Winchester, in a lucid speech laid before[q] the assembly the causes which, as he maintained, discharged the obligation of the king's nuptials. A committee[r], consisting of the two archbishops, the Bishops of London, Durham, Winchester, and Worcester, together with Mr. Gwent, Drs. Thirlby, Incent, Leighton, Robertson, Layton, Ryvet, and Thomas Magnus, archdeacon of the East-riding, were appointed by common consent to examine witnesses and receive evidence. The labours of this committee were ultimately to be referred to the judgment of the whole assembly.

[m] Conc. Mag. Brit. iii. 851.
[n] Conc. Mag. Brit. iii. 851. & supra, p. 398.
[o] Conc. Mag. Brit. iii. 851.
[p] Conc. Mag. Brit. iii. 851.
[q] Conc. Mag. Brit. iii. 851.
[r] Conc. Mag. Brit. iii. 851.

A digression—On the appointment of committees by synods.

And here it may be remarked by the way, that this practice[s] of appointing select committees by our synods or convocations was a very common one at this period, and that what was done by such committees so approved or appointed, must be reckoned to bear upon it the stamp at least of synodical authority. It must be remembered that for the transaction of practical business large assemblies are ill qualified. Abstruse points must be examined in more retired situations, and documents involving nice distinctions must be prepared in less crowded company. One of the admitted forms of proceeding by the canon law[t] in elections was by delegating the authority of the whole body ("per viam compromissi") to a few, whose decisions concluded all. And, indeed, in the proceedings of the imperial legislature instances are not wanting of such managements. In the reign of K. Henry VI.[u] lords and members of the king's council had delegated authority for settling bills; and in this very reign before us, and by an act previously considered[v], the authority of the three estates for the reformation of the canon law and the commutation of the same into statute law was confided[w] to a committee of thirty-two persons, whose decisions were to have, with the king's assent, statutable force without any further recourse to parliament. It is, therefore, no cause for wonder if the convocations of the

[s] See Att. Rights, p. 191.
[t] Att. Rights, p. 191.
[u] Att. Rights, p. 192.
[v] 25 Hen. VIII. c. 19.
[w] 25 Hen. VIII. c. 19. sec. 2.

clergy at this time had recourse to the same modes of procedure, having such illustrious examples before their eyes. And thus many acts connected with ecclesiastical proceedings of this age were arranged by committees of divines; and when these were appointed with full powers by the authority of convocation, it is unjust to deny to their labours the weight of synodical authority.

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Proceedings of a committee of the synod in reference to the contract between K. Henry VIII. and Anne of Cleves.

But to return to the proceedings connected with the divorce. After the committee had been appointed the lower clergy retired from the chapter-house, with the exception of those members who had been associated with the archbishops and bishops aforesaid to receive evidence. The assembly then remaining appointed a sub-committee consisting of five persons only, viz. the Bishops of Durham and Winchester, Mr. Gwent, Thirlby[x], archdeacon of Ely and elect of Westminster, with Leighton, dean of York. These were empowered, in the name of the whole synod, to impose[y] oaths, to examine witnesses, and to reduce their evidence to writing.

[x] Coll. v. 64. & Conc. Mag. Brit. iii. 851.

[y] Conc. Mag. Brit. iii. 852.

On the following day (July 8, 1540) this sub-committee met[z] at the royal palace, Westminster, and examined upon oath some persons of high figure in the state. The witnesses who appeared[a] were the "pliant[5]" Audley, lord chancellor, the Dukes of Norfolk and Suffolk, Lord Southampton, Lord High-admiral Russell, Antony Browne, knight and master of the horse, Lord Cobham, Thomas Heneage, knight, Thomas Wryothesly, the king's private secretary, Anthony Denny, knight, and Dr. Butt, the king's physician[b]. These noblemen and gentlemen put in written depositions, swearing to the truth of their contents, and those documents were filed as schedules for the guidance of the synod in coming to judgment. Among the papers produced was a deposition of the king himself, with a declaration[c] of the whole matter under Cromwell's hand. The principal contents of the depositions were, "[d] That when the queen was brought to Greenwich, at her first arrival the king desired to be informed whether the promises made by the Duke of Cleves to clear the espousals between the

[z] Conc. Mag. Brit. iii. 852.

[a] Conc. Mag. Brit. iii. 852.

[b] Strype's Mem. Cranmer, p. 90.

[c] Coll. v. 64.

[d] Coll. v. 64.

[5] See Lord Chief Justice Campbell's judgment, Court of Queen's Bench, April 25, 1850.

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queen and the Duke of Lorraine's eldest son were performed. For satisfaction in this matter the king deferred the solemnizing his marriage two days. That upon the king's laying this affair before the council they found this matter not disentangled. That no writing was brought over to satisfy this question. That upon the score of this disappointment the marriage had been declined, if the king's inclination had not been overruled by the solicitation of the duke's agents. These persons promised that their master would shortly send over an authentic instrument, and put the matter out of all doubt. But when the writing came to the king's hands it rather raised new scruples than removed old ones. So that now the espousals between the queen and the Duke of Lorraine's eldest son might be taken for a contract '*de præsenti*.'" The king's disaffection to the queen's person were subjects which mainly occupied the rest of the depositions: but even allowing this to have existed, its value for the purpose in hand is not altogether clear.

After these illustrious witnesses had concluded their evidence, the sub-committee of the synod adjourned to the residence[e] of Dr. John Chamber, a physician in "Chanon's Row," Westminster, and received from him a deposition on oath, which was placed in the hands of Archdeacon Thirlby. One[f] of the arguments for the divorce was drawn from the alleged fact that the marriage had never been consummated, which accounts for the necessity of procuring this gentleman's evidence.

[e] Conc. Mag. Brit. iii. 852.

[f] Coll. v. 64.

The next morning[g] a solitary witness, one Hoby[h], was first examined in the vestibule of the chapter-house, and subsequently the national synod sat, and by its authority John Tregonnell, John Oliver, William Petre, and John Hughes, doctors of law, were added to the original committee. Schedules containing the depositions of the several witnesses examined were then laid before that body, when the archbishops and bishops with the committee thus augmented entered into the nature of the proofs and the merits of the case. After their deliberations were concluded, the lower members of the synod were introduced, and by unanimous consent the assembly was prorogued to three o'clock in the afternoon.

[g] July 9.

[h] Conc. Mag. Brit. iii. 852.

At that hour all the members met, and it was decided[i],

[i] Conc. Mag. Brit. iii. 852.

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without a dissentient voice, after a mature investigation of the matter in hand, that the king's marriage was not binding; that both parties were at liberty, by the divine law, to contract fresh nuptials, and that a certificate to that effect should be transmitted to the king. The instrument[j], sealed with the seals of the Archbishops of Canterbury and York, and subscribed by the other members of the national synod, bears date 9th July, 1540.

[j] Conc. Mag. Brit. iii. 854.

On[k] the following day[l] the proceedings of this national synod were reported to the House of Lords by Archbishop Cranmer, and the formal instrument of divorce was presented by the Bishop of Winchester, who dilated upon the grounds on which it was founded. The lords were satisfied; Cranmer and Gardiner were empowered to acquaint the commons with the proceedings, and on the 12th of July[m] a bill, reciting the judgment of the national synod, was read for annulling the marriage. This passed both houses of parliament without difficulty, and was enacted as a statute[n].

[k] Coll. v. 65.
[l] July 10.
[m] Coll. v. 65.
[n] 32 Hen. VIII. c. 25.

As regards the decision of the synod on this question[o], it is supposed that their judgment was founded—many of the members being canonists—on precedents of the canon law, which[p] in cases of pre-contract, required a divorce. But however that may be, the praise or blame of the whole proceeding, whichever may be awarded, must be shared in due proportion by the upper and lower houses of the imperial legislature. The arguments urged at all events carried weight even in the judgment of the person most interested; for the queen herself, in a letter to her brother reporting the proceedings of the synod, owns the justice[q] of the process, acquaints him that her honour was preserved, and, expressing a desire to remain in this country, requests that he would not break with the English court, or shew any signs of resentment.

[o] Coll. v. 64.
[p] Strype's Mem. Cranmer, p. 80.
[q] Coll. v. 65.

This national synod was dissolved by a royal writ[r], on the 28th July, 1540; writs for assembling and dissolving, in accordance with the provisions of the Submission Act, now being universally executed[s].

[r] Conc. Mag. Brit. iii. 850.
[s] Conc. Mag. Brit. iii. 850. 863. 869. 871. iv. 1—3.

XI. A. D. 1542. The two provincial synods meet.

Canterbury.

The convocations of the two provinces assembled[t] respectively at S. Paul's and at York, on the 20th January 1542 N.S.

These were newly-elected convocations, and

[t] A.D. 1542. Conc. Mag. Brit. iii. 860—862.

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upon the first day of meeting in the southern province the usual religious ceremonies were observed. Archbishop Cranmer[u] landed from his barge at Paul's Wharf, and thence proceeded on foot with his retinue, his cross being carried before him, to the choir of S. Paul's cathedral. Bishop Bonner[v] officiated at the altar, and Dr. Richard Cox, archdeacon of Ely[w], preached the Latin sermon on this text, "Ye are the salt of the earth[x]."

[u] Fuller, Ch. Hist. book v. p. 237.
[v] Ibid.
[w] Ibid.
[x] S. Matt. v. 13.

In the second[y] session, after the presentation[z] and confirmation of Mr. Gwent, archdeacon of London, as prolocutor, the archbishop, according to custom, detailed the chief objects proposed for synodical deliberation.

[y] Jan. 27.
[z] Conc. Mag. Brit. iii. 860. Fuller, Ch. Hist. book v. p. 237.

Cranmer's speech—The synod desired to promote the reformation, and amend the translation of the scriptures.

"It is[a]," he said, "the king's desire that the bishops, prelates, and clergy should deliberate on the decay of religion, and the proper remedies to be applied in that behalf—and also that they should apply reformation to such matters as seemed to require it." He also "declared that in the translations both of the Old and New Testament there were many points which required correction, and that it was therefore his wish that the prolocutor and clergy should retire to the lower house, and come to an agreement on the proper method for examining the books mentioned, and should also appoint some learned persons to make a draft of canons for the suppression of simony."

[a] Ibid.

A digression on the translations of the scriptures.

Now as the question of the translations of the scriptures occupied the attention of this synod, it may be acceptable here to make some remarks on the progress which had been made in this matter before, and for this purpose we must step backwards.

Wickliffe's.

So early as the time of K. Edward III., there were many copies of Wickliffe's translation, but these were all written, none of them ever having been printed, until comparatively modern[b] times, A.D. 1731.

[b] Biograph. Dict.

Tindal's.

The first[c] time Holy Scripture was printed in English, and then only the New Testament, was about the year 1526. It was translated by William Tindal, and printed abroad, either at Antwerp or Hamburgh. Much of this edition was burnt by order of Tunstal and Sir Thomas More.

[c] Strype's Mem. Cranmer.

This translation Tindal[d] revised, and then printed several editions in Holland, before and about the year 1530. Many copies of these books were also burnt by the command of Stokesly.

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[d] Berens' Hist. P. Bk. p. 21.

Coverdale's.

As the reformation proceeded, and after the discharge of the papal supremacy by the authority of the English Church, the Convocation[e] of Canterbury, as we have seen, on the 19th of Dec. 1534, made an application to the king, that the "scriptures[f] should be translated into the vulgar tongue;" and, in the following year, 1535, Oct. 4, Miles Coverdale's translation appeared, dedicated to the king[g]. It was translated out of the Dutch and Latin, and was the first translation of the whole Bible into our language. This edition was allowed by authority, for in the following year, injunctions were issued that there should be provided "one boke of the whole[h] Bible, of the largest volume in Englyshe, and the same sette up in summe convenyent place within the said churche that ye have care of, whereas your parishners may most commodiouslye resort to the same and rede yt."

[e] Att. Rights, p. 183, quotes Heylin's Ref. Just. p. 8.

[f] Conc. Mag. Brit. iii. 770.

[g] Hartwell Horne, vol. ii. App. p. 60.

[h] Conc. Mag. Brit. iii. 815.

Matthews'.

In 1537 the Bible called Matthews' Bible appeared. This name was fictitious. The book was printed in Germany, and chiefly taken[i] from Tindal's and Coverdale's previous translations, under the auspices of Archbishop Cranmer. It was superintended by John Rogers, a learned man who subsequently suffered in Q. Mary's reign.

[i] Hartwell Horne, vol. ii. App. p. 61.

Hollybushe's.

In 1539, Hollybushe's[j] New Testament appeared; this work was executed by Coverdale, but bore a feigned name.

[j] Hartwell Horne, vol. ii. App. p. 62.

Cranmer's.

In the same year, 1539, in April, came out, printed by Grafton and Whitchurch, Cranmer's "Great Bible," so called because it contained a preface by Cranmer, and also on account of its size. This was also revised by Coverdale[k], and an injunction issued in 1541, that it should be placed in every church.

[k] Conc. Mag. Brit. iii. 856.

Taverner's.

In 1539[l] also Taverner's Bible was published. This was a correction of Matthews' Bible.

[l] Hartwell Horne, vol. ii. App. p. 63.

Debate in the synod on the

To return to our subject. Such were the translations of the scriptures which had appeared

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before [6] the debate in convocation which we are about to consider.

In the third session, held Friday, Feb. 3 (1542 N.S.) the debate [m] turned upon the several translations of the scriptures then in existence. The archbishop [n] inquired of the members of the upper house whether it would be possible [o], without scandal to the Church, to retain the *Great Bible* as at that time translated. It was decided, by a majority of the bishops, that the *Great Bible* [7] should not be retained, but that it should be examined and amended "according [p] to *that Bible which is usually read in the English Church* [8]."

Prelates appointed to correct translations.

For this purpose the translations [q] of the books of the New Testament were committed for perusal of the several bishops, as detailed in the note [9]. The prolocutor [r] and clergy then attended in

[m] See Fuller, Ch. Hist. book v. p. 237.
[n] Conc. Mag. Brit. iii. 860, 861.
[o] Conc. Mag. Brit. iii. 860, 861.
[p] Conc. Mag. Brit. iii. 861.
[q] Fuller. Ch. Hist. book v. p. 236-7.
[r] Conc. Mag. Brit. iii. 861.

[6] As regards translations of the scriptures subsequent to this period, in 1560 a translation of the New Testament was published under the auspices of some of the English reformers who had fled from the Marian persecutions to Geneva. This is called the Genevan version. In that place also editions of the whole Bible were printed, and again reprinted in London and other places.—Hart. Horne, vol. ii. App. pp. 65-6.

In 1562 the "Great Bible," viz. that of Coverdale's translation, was revised by Archbishop Parker, and printed for the use of the Church, until one that was projected should be complete.—Ibid. p. 65.

In 1568 the Bible projected by Archbishop Parker was finished. It is called "Archbishop Parker's" or the "Bishops' Bible." In the translation distinct portions were allotted to fifteen persons, eight of whom were bishops, whence its name.—Ibid. p. 67.

In 1572 this Bible was reprinted with corrections, and this edition is called "Matthew Parker's Bible."—Ibid.

In 1611 was published the present so-called authorized version, known by the name of King James's Bible. Fifty-four learned persons were appointed to revise the work. Their labours began in the spring of 1607 and were concluded in 1610. In this translation the text of the "Bishops' Bible" was chiefly followed.—Ibid. p. 68.

[7] By the "Great Bible" here must be meant either Coverdale's edition of 1535, or "Matthews' Bible" of 1537. Portions of the latter were forbidden to be used by Bishop Bonner this year.—Conc. Mag. Brit. iii. 867.

[8] By the phrase, "that Bible which is usually read in the English Church," I presume must be meant "Cranmer's great Bible" of 1539. Vid. Conc. Mag Brit. iii. 856, where it is ordered that copies should be provided.

[9] 1. S. Matthew ..... Archbishop Cranmer.
2. S. Mark ..... Jn. Longland ..... Bp. of Lincoln.
3. S. Luke ..... Step. Gardiner .... ,, Winchester.
4. S. John ..... Thos. Goodrick .... ,, Ely.

[5. Acts

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the upper house, and the archbishop took opportunity, during[s] the remainder of the session, to point out to the united synod errors in the translation of the Old Testament.

Lower house united with the upper for this purpose.

In the fourth session no business of importance was transacted, but by the 13th February, session 5, the lower[t] house had provided themselves with a list of passages in the translation of the Old Testament which they thought required consideration, and these they submitted by the hands[u] of the prolocutor to the judgment of the archbishops and bishops. The upper house on the same day[v] consulted on the best means to be pursued for a searching examination of the whole translation of scripture. For this purpose select joint committees of both houses were appointed. The New Testament[w] was committed to the Bishops of Durham, Winchester, Hereford, Rochester, and the suffragan of Westminster, together with Doctors Wotton, Day, Coren, Wilson, Leighton, May, and others of the lower house. The Old Testament was[x] committed to the Archbishop of York, the Bishop of Ely, with Redman[xx], Taylor, Haynes, Robertson, Cocks[y], and others who were well versed in the Hebrew, Greek, and Latin languages. In the same session the archbishop desired that drafts of canons should be prepared against adultery, perjury, and blasphemy.

[s] Conc. Mag. Brit. iii. 861.

[t] Conc. Mag. Brit. iii. 861.

[u] Conc. Mag. Brit. iii. 861.

[v] Conc. Mag. Brit. iii. 861.

[w] Conc. Mag. Brit. iii. 861.

[x] Conc. Mag. Brit. iii. 861.

[xx] ? Redmayn.

[y] ? Cox.

5. Acts of Apostles	Nich. Heath	Bp. of	Rochester.
6. Romans	Rich. Sampson	„	Chichester.
7. 1 & 2 Corinthians	Jn. Capon	„	Sarum.
8. Galatians, Ephesians, Philippians, Colossians	Will. Barlow	„	S. David's.
9. 1 & 2 Thessalonians	John Bell	„	Worcester.
10. Timothy, Titus, Philemon	Robt. Parfew	„	S. Asaph.
11. 1 & 2 Peter	Robt. Holgate	„	Llandaff.
12. Hebrews	John Skyp	„	Hereford.
13. S. James, 1, 2, & 3 S. John, S. Jude	Thos. Thirlby		Westminster[yy].
14. Revelation	Jn. Wakeman	Bp. of	Gloucester.
	John Chambers	„	Peterborough.

[yy] Suffragan of.

"Transcribed with my owne hand out of the Records of Canterbury."—Fuller, Ch. Hist. B. v. p. 236.

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Further proceedings with a view to reformation in religion.

The synod met again on the 17th Feb. (1542 N.S.), session 6. A canon concerning simony, a subject which had been specially commended to notice in the archbishop's opening speech[z], was brought up by the prolocutor, and delivered to a committee of the upper house. A debate then ensued on some matters which might tend to carry on the reformation of religion, such as teaching the people to rehearse the Lord's Prayer, the salutation of the angel, the Apostles' Creed, and the Ten Commandments. This debate was concluded, and the continuation of the assembly had been formally announced, when the prolocutor again appeared. Gardiner, Bishop of Winchester, took[a] this occasion to read a list of words and phrases in Latin requiring according to his view peculiar attention in revising the translation of the scriptures, for which, as we have seen, arrangements were made in a late session. He argued that these words, on account of their[b] peculiar significancy and high importance, should either be retained in Latin, or translated into English with as little alteration as possible. The number on his list amounted exactly to one hundred, and from a perusal it must be confessed that, in rendering some of them at least, great circumspection was necessary. Mistranslation might shock propriety, or, what is worse, inculcate false doctrine, both of which evils were carefully to be avoided, when a provincial synod was undertaking to set forth an authorized translation.

Synodical origin of the revision of the English service books.

In the seventh session of this provincial[c] synod, held Feb. 24[10], Archbishop Cranmer moved the bishops that candles, silk vestments, and other ornaments, should be taken away, which were placed on or in front of images, and that portuises[1], missals, and other books, should be reformed. Hence we must date the commencement of those reforms which ended in the establishment of the English Prayer Book. The archbishop also moved that the names of the several popes, and of Thomas à Becket, should be erased by all the clergy from their service

[z] Conc. Mag. Brit. iii. 861.

[a] Fuller, Ch. Hist. book v. p. 237.

[b] Conc. Mag. Brit. iii. 861.

[c] Conc. Mag. Brit. iii. 861.

[10] In the records there is a misprint, Feb. 14—for 24, I presume.

[1] "Portuis," a word said to be derived from "portez-vous," a manual breviary, variously spelt "portuas," "portas," "portus," "porthose," "portuos," and "porthuse."—See Collier, vol. v. p. 89, note.

books; and he also urged on his brethren a subject which had previously [d] occupied the attention of the synod, viz. that the people should be taught to recite the Lord's Prayer, the Apostles' Creed, and the Ten Commandments in the vulgar tongue. A.D. 1542. K. Henry VIII.

[d] Feb. 17.

Thus far was this session employed in promoting the principles of the reformation. The remainder of it was engaged in matters connected with general morality. The upper house [e] agreed to address the king against the infamous profanity of the stage, where plays were admitted tending to bring God's word into contempt. The prolocutor moreover brought up from the lower house drafts of canons against blasphemy, perjury, and rash swearing, subjects to which attention had been called by the archbishop at a previous [f] session.

[e] Conc. Mag. Brit. iii. 861.

[f] Feb. 13.

New edition of the Sarum use.

In the following session [g] an endeavour [h] was made to secure unity in the celebration of divine service throughout the southern province. The archbishop and the bishops decided that the use of Sarum [i] should be observed by all the clergy under the metropolitical jurisdiction of Canterbury, and that an offence against this decree should be visited with punishment by the respective ordinaries. In furtherance of this decision respecting the general adoption of the use of Sarum, and as connected also with the application made in the upper house of convocation, on the 24th of Feb. last,—that the names of several popes and of Thomas à Becket should be erased from the service books,—it is observable that a new [j] edition of the Sarum use [2] was at this time published, cleared of sundry errors, and disfurnished of those titular flourishes which had been aforetime appended to the name of the Roman Pontiff.

[g] Mar. 3.

[h] Conc. Mag. Brit. iii. 861.

[i] Conc. Mag. Brit. iii. 862.

[j] See Coll. v. 106.

Translation of the scriptures impeded by K. Henry VIII.'s interference.

In the next session [k] the question of the translation of the scriptures again came upon the board. For carrying out the review of the previous translations joint select committees, as we have seen, had been [l] appointed; and in the

[k] Mar. 10.

[l] Sess. Feb. 13, 1542 N.S. Vid. sup. p. 407.

[2] "Portiforium secundum usum Sarum noviter impressum, et a plurimis purgatum mendis. In quo nomen Romano pontifici falso adscriptum omittitur, una cum aliis quæ Christianissimo nostri regis statuto repugnant. Excusum Londini per Edvardum Whytchurch, 1541. Cum privilegio ad imprimendum solum."—Biblioth. Cott. Cleop. E. 5. 259, apud Coll. 5. 106. 1541 O.S. would be 1542 N.S.

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prosecution of this matter the perusal of the books of the New Testament had been assigned respectively to members [ll] of the upper house. In order to promote the undertaking K. Henry—who never allowed any thing to be concluded without some troublesome interference, and especially in the matter of translations of all kinds, whether of books or prelates, shewed himself untiringly busy—had suggested that the two universities should be consulted, and that both the Old and New Testaments should be by them examined.

[ll] Vid. sup. p. 406.

With this royal [m] wish Archbishop Cranmer took occasion to acquaint the synod in this session [mm]. The members much disliked the proposition, and with the exception of himself and the Bishops of Ely and S. David's all dissented from it. They argued that "such business belonged to an ecclesiastical synod rather than to the universities." They further alleged "that [n] the universities were much sunk from their former considerableness; that matters were carried by a majority of young men; that without maturity of judgment there was no relying upon the result, and, in short, that the learning of the nation lay mostly in the convocation." Cranmer, however, desiring to bend to the king's wishes, or from some singularity in choice preferring the judgment of the universities upon translations of scripture before that of the convocation divines, opposed the wishes of the majority, and roundly said, that "he would stick by his master's will and pleasure, and that the universities should examine [o] the translation." On account of this difference the matter dropped. Part of the work, S. Paul's Epistles to the Corinthians [p], was finished by those to whom it had been entrusted, Doctors Wotton and Leighton; nor is it improbable but that for K. Henry VIII.'s meddling interference, and Cranmer's compliance, a complete translation of the Bible, formally authorized by the English Church in her sacred synods, would have been made and published,—an object of desire with some persons which to this hour has never been realized.

[m] Conc. Mag. Brit. iii. 862.

[mm] Mar. 10.

[n] Coll. v. 88.

[o] Strype's Mem. Cranmer, p. 94.

[p] Conc. Mag. Brit. iii. 862.

This convocation was continued through [pp] various sessions [q], but nothing particularly worthy of notice was transacted. One circumstance, however, occurred to shew that it was not then usual, as has been of late years very positively asserted, for parliament to set aside the authority of convocation, and

[pp] Conc. Mag. Brit. iii. 862 3.

[q] March 17, 24, 28, April 3.

to legislate of their own motion on ecclesiastical questions, without consulting the representatives of the Church. A bill [qq] was sent from the lord chancellor to be read in the upper house of convocation before it was invested with the authority of a statute. The provisions [r] of it were, that bishops' chancellors might be married, might suspend, excommunicate, and proclaim Church censures as though they were priests, and that they should enjoy other privileges of a more substantial character connected with the goods of this world. But this bill was considered wholly inconvenient by the upper house of convocation, an opinion which they represented to the lord chancellor, and it is likely that, from his thinking their exceptions reasonable, the bill was put to silence [rr].

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[qq] Conc. Mag. Brit. iii. 862.

[r] Coll. v. 89.

[rr] Conc. Mag. Brit. iii. 862.

On the 3rd of April, the Canterbury Convocation was prorogued by royal writ to the 4th of November, 1542.

York.

The York Convocation, which met simultaneously with that of Canterbury last considered, viz. on Jan. 20, 1542 N.S., does not appear to have been engaged in business of importance.

XII. A.D. 1543 N.S. Canterbury provincial Synod.

No business was transacted Nov. 4, 1542, by the Canterbury convocation summoned on that day. The assembly was prorogued to the 23rd of Jan., and thence to the 16th of February, 1543 N.S. During this month however some important synodical affairs connected with the reformation of religion were discussed. In the session which was held Feb. 16 four heads of business were [s] accomplished:—a subsidy [t] was voted by both houses; homilies [3] composed by some of the prelates were introduced [u]; the prolocutor presented [v] a petition for the reform of the ecclesiastical law, in accordance with the provision contained in 25 Hen. VIII. c. 19; and also a petition [w] against some of the laity for unjustly withholding tithes.

A. D. 1543.

[s] Wake's State, 591.

[t] Conc. Mag. Brit. iii. 863.

[u] Conc. Mag. Brit. iii. 863.

[v] Conc. Mag. Brit. iii. 863.

[w] Conc. Mag. Brit. iii. 863.

[3] It would be interesting to learn more of *these* homilies *. Of those which we now possess, and which we recognize in subscribing to the Thirty-nine Articles, the first book, containing twelve, was published in K. Edward VI.'s reign; the second book, containing twenty-one, composed by the same persons, was ready for publication when that king died, and was published in Q. Elizabeth's time.—Lathbury, 2nd edit., p. 169.

* Strype's Cranmer, p. 149.

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Revision of service books.

But the session[x] of this convocation held Feb. 21 was the most important as connected with the progress of the reformation. On this occasion the archbishop acquainted the synod, that it was his majesty's wish "that all mass books[y], antiphoners, portuises[z] in the Church of England should be newly examined, corrected, reformed, and castigated, from all manner of mention of the Bishop of Rome's name, from all apocryphas, feigned legends, superstitions, orations, collects, versicles, and responses; that the names and memories of all saints which be not mentioned in the scripture or authentical doctors should be abolished, and put out of the same books and calendars, and that the service should be made out of the scripture and other authentic doctors." And here some blame seems to have been attached to the parochial clergy for not having expunged from their service books those exceptionable passages of which the archbishop had taken notice in his consultation with the members[a] of the upper house on the[b] 24th of February last year. Hereupon an[c] order was made by the upper house[d] that the service books should be committed[4] for revision to Goodrick, bishop of Ely, and the Bishop of Sarum, with six members of the lower house who should be selected for that purpose. "But the lower house waived the privilege of furnishing this committee," and left the matter[e] in the hands of the bishops. Whether[f] the upper house selected members from the lower for this committee, whether both houses acted in concert, or whether the whole affair was left with the bishops is not so clear; but it is evident that through two succeeding sessions[g], at least, the business of the reformation of the service books was carried on. And this appears to have been considered a work of great moment, from a message sent down to the convocation by the king, through the archbishop, to this effect, "that no one[h] of the members of convocation should absent himself without leave, under the penalty of the royal displeasure."

An order made for reading lessons in the vulgar tongue.

In the same session[i] in which the committee for examining the service books was assigned, it was ordered "that[j] every Sunday and holy-

x Conc. Mag. Brit. iii. 863.
y Conc. Mag. Brit. iii. 863.
z Vide note, sup. p. 408.
a Vide sup. p. 408.
b Conc. Mag. Brit. iii. 861.
c Referred to afterwards in Ed. VI.'s first convocation. Conc. Mag. Brit. iv. 15.
d Conc. Mag. Brit. iii. 863.
e Coll. v. 89.
f Vid. Conc. Mag. Brit. iv. 15.
g Conc. Mag. Brit. iii. 863.
h Conc. Mag. Brit. iii. 863.
i Feb. 21.
j Conc. Mag. Brit. iii. 863.

4 This would seem to be the committee said to have been appointed "ex mandato convocationis."—Conc. Mag. Brit. iv. 15. Att. Rights, p. 189.

day throughout the year the curate of every parish church, after the Te Deum and Magnificat, should openly read unto the people one chapter of the New Testament in English without exposition; and when the New Testament was read over, then to begin the Old."

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Now here was a considerable advance made towards reformation in religion. A committee was appointed, as we have seen, to alter the service books and to reduce them to a nearer agreement with primitive standards; and not only so, the order that a chapter [5] from the scriptures should be read to the people in the vulgar tongue every Sunday and holy day was a very important and significant measure. The English Bibles, which had been placed in the churches previously to this time, were only for the people to resort to, so that they might themselves read therein for their own edification. But now a lesson either from the Old or New Testament was synodically ordered as a regular part of the Church service, and thus another step was taken towards bringing the public offices of the English liturgy up to that standard which now prevails.

This reformation of the service books, and the practice of reading lessons here sanctioned by convocational authority, led the way to the subsequent establishment of the first prayer book of K. Edward VI., and of those formularies which, with no very considerable alterations, are the manuals of divine offices in our national Church at this hour. We see here that one lesson only was ordered by the convocation to be read on Sundays and holidays, and that was to be taken from the New and Old Testaments in an orderly succession. In the prayer books published in K. Edward VI.'s reign [k] two lessons were appointed for every day, one from the Old, and one from the New Testament; and these also were to be read, as in the present instance, in an orderly succession, the proper lessons for Sundays not having been appointed, so as to break in upon the continuous instruction given until the [l] beginning of the reign of Q. Elizabeth.

[k] Cardwell's Liturgies, Calendar.

[l] Lathbury, 2nd edit., 159—170.

In looking back, then, to this session of the Canterbury Convocation held Feb. 21, 1543 N.S., we must consider that

[5] Compare 34 & 35 Hen. VIII. c. 1: "The Bible shall not be read in English in any church."—Stat. at Large. It seems certain that our synods here led the way in reforming religion.

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very great advances were made towards a true reformation in religion, and a recovery of primitive faith and practice in the English Church. And these advances appear to a common capacity to fall in better with Christian maxims, and to square more exactly with the measures of conscience, than the managements of K. Henry VIII. and his courtiers, whose acts are often somewhat absurdly supposed to have chiefly conduced towards the purification of religion. By them, certainly, the religious were disfurnished of their worldly goods, and so a vast amount of property formerly applied to the promotion of the then received belief was diverted into profane channels; but it does not appear that the deprived persons were thus much mended in their faith. Nor indeed would one think that they were particularly encouraged in the cultivation and improvement of morals by the examples of those reformers who, in the comparison between treasures corruptible and incorruptible, certainly made such a choice as was disallowed by our Saviour Himself[m], and in practice banished from their code the second great commandment of the Christian law. And, still further, it does not appear from history that, by any subsequent rejection of their ungodly gains, an example of such repentance as even Judas[n] manifested was ever commended by them to public regards.

[m] S. Matt. vi. 19, 20.

[n] S. Matt. xxvii. 5.

On the 23rd of Feb. this convocation appended to their instrument of subsidy four requests[o], as articles of the clergy, to be presented to the king. 1. That the ecclesiastical law should be reformed. 2. That some improprieties with reference to the solemnization of marriage in Bethlehem hospital, Bishopsgate, should be remedied. 3. That an act of parliament should be made for the consolidation of poor benefices. 4. That provisions for just payment of tithes should be enacted by parliament. On the 27th[6] of the same month this convocation was prorogued to the 4th of April ensuing by royal writ.

[o] Conc. Mag. Brit. iii. 863.

XIII. A.D. 1543. Canterbury provincial synod.

"Erudition of a Christian Man."

On[oo] the 4th of April, 1543, the Canterbury Synod again met, and held many sessions by continuation until May 12. The whole of their labours on this occasion appear to have

[oo] Conc. Mag. Brit. iii. 868.

[6] In the "Concilia Mag. Brit." 17 must here be a misprint for 27.—Conc. Mag. iii. 863.

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been devoted to the preparation for the press of the book known by the name of "*The Necessary*[7] *Doctrine and Erudition of a Christian Man.*" This book was a revision of the book called "*The Institution of a Christian Man*," which had been set forth by synodical authority six years before, in 1537. The "*Erudition*," being a review and an alteration of the "*Institution*[p]," was now to be set forth "as a rule of religious belief," and so it was necessary that all its contents should be carefully debated and synodically authorized. This book may be looked upon in a great measure as the confession of faith of the English Church from the period of its publication until it was replaced nine years afterwards by the articles of 1552. Its contents are arranged under ten heads. 1. The declaration of faith. 2. The artycles of oure belefe called the crede. 3. The seven sacramentis. 4. The X. commaundementes of Almighty God. 5. Our Lord's praier, called the Pater noster. 6. The salutation of the aungell, called the Aue Maria. 7. An article of free-wyll. 8. An article of iustification. 9. An article of good workes. 10. Of prayer for soules departed.

[p] Coll. v. 97.

Much pains and care appear to have been devoted to the preparation of this work; and the course pursued was, that the several parts were previously prepared by sundry learned divines, in order to their being submitted to the judgment of the Canterbury Synod. It seems that in this preparation three years[q] were occupied, viz. from 1540 to 1543. The questions relating[r] to the sacraments were entrusted to the two archbishops, with the Bishops of London, Rochester, Carlisle, Durham, Hereford, and S. David's. The other divines were, Thirlby, Robertson, Day, Redmayn, Cox, Leighton, Symmons, Tresham, Coren, Edgworth, Oglethorp, Crayford, Willson, and Robins. When answers had been returned two persons were appointed to collate them; one of these was to write in English, and the other in Latin, the exact particulars of agreement or disagreement in the papers received. The original answers of

[q] Coll. v. 97, note.

[r] Coll. v. 97.

[7] The exact title of the book is, "A necessary Doctrine and Erudition for any Christen Man. Set furthe by the Kynges Maiestie of Englande," &c.

Ad finem: "This boke, bounde in paper bourdes or in claspes not to be solde above XVI. D. Imprinted at London, in Flete Strete, by Thomas Berthelet, printer to the kynges hyghnes, the XXIX day of May, the yere of our Lorde MDXLIII. Cum privilegio ad imprimendum solum."—From a copy in the library of Sir W. Curtis, Bart., now at Caynham Court, near Ludlow.

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some of the divines employed[s] are upon record; and from such evidence as remains it is clear that the greatest care was taken in the compilation of "*The Necessary Erudition.*" As the work had proceeded so far as now only to require synodical revision and authority, the labours of the present convocation seem to have been almost exclusively directed to that object. The course pursued was, that the several parts which had been prepared by the divines, as mentioned above, were brought into the upper house of convocation for examination and approval, and were then delivered to the prolocutor for the revision of the lower house.

[s] Coll. v. 98.

Its complete synodical authority.

Thus on the 20th of April the fifth and sixth heads of this work, consisting of the translation and exposition of the Lord's Prayer, with the salutation of the angel, were examined by the Bishops of Winchester, Rochester, and Westminster, and committed[t] to the care of Mr. Gwent, prolocutor. The next day[u] the explanations of the first five commandments were brought into the upper house, and afterwards handed to the prolocutor.

[t] Conc. Mag. Brit. iii. 868.

[u] Conc. Mag. Brit. iii. 868.

On the 24th of April[v] the same course was taken, with expositions of the five last commandments, and of the sacraments of baptism and the eucharist.

[v] Conc. Mag. Brit. iii. 868.

On the 25th of April the subject of the sacrament of the Lord's Supper again occupied attention; and explanations of the other five ordinances, then termed sacraments, *i. e.* matrimony, penance, orders, confirmation, and extreme unction, having received revision at the hands of Archbishop Cranmer and the bishops, were delivered to the prolocutor, with orders that he should return[w] in three days the judgment of the lower house and his own on the matters treated of.

[w] Conc. Mag. Brit. iii. 868.

On the 27th April the first, eighth, ninth, and tenth heads of the work were considered by the bishops, agreed to, and handed to the prolocutor.

On the 30th of April the seventh article, that of free will, was read over in the upper house, and delivered by the archbishop to the prolocutor, in order that it might be communicated to the lower clergy. After it had been perused, it was returned to the bishops with this message, "that[x] the lower house accepted the articles sent down to them as Catholic verities and religious truths, and that more-

[x] Conc. Mag. Brit. iii. 868.

over they returned sincere thanks to the bishops for the great labour, pain, and trouble which they had undergone in the cause of religion and of the nation, as also for the sake of unity." A.D. 1543. K. Henry VIII.

As this book for some time was held to be the confession of faith of the English Church, it has been thought necessary to our purpose to shew at length that it had the most complete and unimpeachable synodical authority; and this is indeed the more needful, from the fact that great[y] mistakes have existed on this point. It has been said, even by Collier, that it had only[z] royal authority, and this error has been widely propagated. The book was certainly published by the king's order, and the preface may have been by his own hand. But even there matter is contained which might, one would think, have served to guard against the mistake above mentioned, for it is said to be "*sette furthe with the aduise of our clergy*," an expression then commonly used to signify synodical authority. This form of words occurs no less than thrice in the preface; and, moreover, the king is on this occasion reasonable enough to say that "God (who as S. Paul saith, distributeth and divideth to his Churche his gracis distinctly) hath ordered some sorte of men to teache other, and some to be taught, that al thinges shoulde be done semely and in order, and hath beautified and set furthe by distinction of ministers and offices the same Churche, . . ." all which expressions I must take leave to say would be out of place, not to say ridiculous, upon the supposition that the contents of this book had been authorized by any thing less than ecclesiastical authority.

[y] See Bp. Burnet, pt. i. p. 286.

[z] Coll. v. 105.

After the thanks of the lower house of convocation had been conveyed, on the 30th of April, to the bishops, for their labours in the preparation and revision of "*The Necessary Erudition*," the synod was continued through[a] several sessions, to the 12th of May, when it was prorogued by royal writ.

[a] Conc. Mag. Brit. iii. 868.

XIV. A.D. 1544 N.S. Canterbury provincial Synod.

The 5th of November (1543) was the time mentioned for their reassembling, but on account of a prorogation they did not[b] meet for business until the 15th of January, 1544 N.S., the day[c] after the meeting of a new parliament. Mr. Richard Gwent, who had been long prolocutor, and who had held that office

A.D. 1544.

[b] Conc. Mag. Brit. iii. 868.

[c] Hume, c. xxxiii. p. 346.

A.D. 1544. Archbps., Thomas Cranmer, Edward Lee.

through difficult and important times, had lately died. In the session held January 18th, the archbishop admonished the clergy to elect some person to the vacancy. Their choice fell upon Dr. John Oliver, dean of Christ Church, Oxford, who was[d] admitted three days afterwards[e] to the office. The chief business transacted at this time was an order made[f] by the archbishop and the upper house to the prolocutor, that he should associate with himself a committee, to prepare a bill for the management of tithe payments, to be passed afterwards into a law by parliament. The result was, I presume, the statute[g] enacted in the following year. The upper house[h] also sat in private deliberation on the subject of applying to the king with a request that the revision of the ecclesiastical law might be carried on, a measure of reform which, as we have seen, was sanctioned by the convocation[i] in 1532[ii], and ratified subsequently by the 25 Hen. VIII. c. 19. Thus we have at this time constant opportunities of observing that the principles of the ancient Anglo-Saxon constitution were still regarded in this country, viz. that ecclesiastical questions were originated and first debated in synods, and that the results of their deliberations were subsequently recommended for the sanction of the civil legislature. It is only by an invention of more recent date and very questionable wisdom that the upper and nether houses of parliament have been discovered to be the sole depository of all synodical jurisdiction, and the single arena of hopeful promise for the settlement of ecclesiastical differences, and the disentanglement of theological doubts.

d Jan. 21.
e Conc. Mag. Brit. iii. 868.
f Feb. 1.

g 37 Hen. VIII. cap. 12.
h Conc. Mag. Brit. iii. 868.

i Conc. Mag. Brit. iii. 749.
ii May 15. Sup. p. 347, and note.

The English litany.

It was most probably in this convocation that the litany in English, almost identical with that in present use, was authorized. The book[8] was set out shortly after the convocation rose, and that it was authorized by that body seems beyond a doubt from its title, in which these words occur[j],—"an exhortation to prayer, thought meet by the king's majesty and HIS CLERGY to be read to the people in every church afore processions." From this expression the necessary conclusion is that the work had synodical sanction; for

j Atterb. Rights, p. 193.

[8] "A Litany with Suffrages, to be sayd or sung in the time of the said Processions." Printed by Rich. Grafton for Th. Berthelet, printer to the king's highness, the XVI of June, 1544.

to place a falsehood on the title of a manual of prayer would neither invest the work itself with much air of devotion, nor commend its contents to pious minds.

A.D. 1544. K. Henry VIII.

This convocation having deliberated on questions of subsidy[k] for K. Henry's approaching enterprise, in conjunction[l] with the imperial forces, against France, was dissolved by royal writ[m], March 31, 1544.

[k] Conc. Mag. Brit. iii. 868.
[l] Hume, c. xxxiii. p. 346.
[m] Conc. Mag. Brit. iii. 869.

XV. A. D. 1545. The two provincial synods meet.

The convocations[n] of both provinces had been summoned to meet in December, 1544, but they were prorogued[o] to the 24th day of November, 1545: as the practice now constantly prevailed for the assembling of the convocations to take place on the day after the meeting of parliament, a usage handed down to this day.

A. D. 1545.
[n] Conc. Mag. Brit. iii. 869-71.
[o] Conc. Mag. Brit. iii. 869. 871-77.

Such was the case in the present instance; for on the 23rd[p] of November in this year the first session of that parliament of K. Henry VIII. was held, which has obtained an unenviable notoriety from its somewhat unscrupulous proceedings and its singular opinions. Its very large, not to say profuse, liberality in disposing to the king's use of other men's possessions, comprising the property of all colleges,—the universities included,—chantries, and hospitals, within the realm of England and Wales, by the statute 37 Hen. VIII. c. 4; as well as the peculiarly entangled and undistinguishing character of its recorded judgments in 37 Hen. VIII. c. 17, concerning spiritual and temporal authority, have not failed to earn for that assembly some just measures of contempt and ridicule. Such feelings, indeed, it is not unlikely that the king himself entertained towards them, at least if we may judge from a speech[q] which he addressed to them on the day[r] of prorogation, Dec. 24, 1545, forbidding them, among other sneers, to be judges of their "own phantastical[s] opinions and vain expositions." But, whatever may have been the degree of degradation to which this assembly fell, it is clear that in an age—when parliament had evinced such forgetfulness of all self-respect as to enact[t] that royal proclamations[u] should over-ride statute law—no subsequent marks of servility can surprise, however deeply its exhibitions of legislative injustice and ignorance may provoke and disgust.

[p] Hume, c. xxxiii. p. 346.
[q] Conc. Mag. Brit. iii. 871.
[r] Hume, c. xxxiii. p. 348.
[s] Conc. Mag. Brit. iii. 872.
[t] 31 Hen. VIII. c. 8.
[u] Rymer's Fœd. in loc. Stat. at large. Hume, c. xxxiii. p. 352.

A.D. 1545. Archbps., Thomas Cranmer, Robert Holgate.

The Canterbury Synod.

Of the meeting of the Canterbury Convocation on Nov. 24, 1545, to which day the synods of both provinces were prorogued, no records remain.

The York Synod.

At the appointed time however, Nov. 24, 1545, the day after the assembling of the parliament above alluded to, the northern synod[v] met at York. Archbishop Edward Lee had lately departed this life. Though firmly and consistently opposed throughout the trying times of his archiepiscopate to the usurped exercise of papal supremacy, yet he bent too sparingly towards the principles of the reformation in other respects. His successor was Robert Holgate, a man of slender reputation[w], but withal acceptable to the king, as not being subject to scruples on the point of preserving from sacrilegious invasion[x] consecrated property[y] committed to his care.

[v] Conc. Mag. Brit. iii. 877.

[w] Coll. vi. 23.

[x] See 37 Hen. VIII. c. 16.

[y] Coll. vi. 23.

The York Convocation was opened according to the then established practice[1]. The mass "de Spiritu Sancto" was solemnly[z] celebrated, and the sermon preached in Latin by Mr. Marshall. In the morning session the new archbishop, Robert Holgate, took the presidential seat; but in the afternoon session his commissioners appearing in his place confirmed and admitted as prolocutor Mr. George Palmes, who had been elected by the clergy, and was now presented by Mr. Durell. On the 14th of December following[a] a session was held in which matters of subsidy were treated of, and it was agreed to assess the sum at the same rate as that settled in the southern province. On this occasion the archbishop[b] first addressed the synod in its united capacity, and then the lower house, under the presidency of its prolocutor, held a separate session.

[z] Conc. Mag. Brit. iii. 877.

[a] Conc. Mag. Brit. iii. 877, and Trevor, p. 95.

[b] Trevor, p. 95.

Eight subsequent sessions[c] were held by this York Synod, so that we may reasonably gather that some important business was under consideration, though the nature of it is not recorded; and on the 25th February, 1546 N.S., the assembly was prorogued.

[c] Conc. Mag. Brit. iii. 877.

A.D. 1546. XVI. A.D. 1546. The two provincial synods meet.

During the year 1546 the two convocations were summoned to meet respectively at S. Paul's

[1] For a fuller account of this convocation than that given in the Conc. Mag. Brit. iii. 877, see Trevor's Two Convocations, p. 94. The documents there cited are taken from the York records.

on the 5th[d] of November, and at York on the 24th[e] of the same month. No matters of importance, however, appear on the records which remain.

A. D. 1546. K. Henry VIII.

[d] Conc. Mag. Brit. iv. 1.

[e] Conc. Mag. Brit. iii. 877, and vol. iv. 3.

A summary of all public records from the discharge of the papal supremacy to the death of K. Henry VIII., shewing that in spiritual matters synodical decisions preceded civil enactments.

As this is the last year of K. Henry VIII.'s reign, and as it is and has been often stated by Romanists on the one side, by Erastians on the other, and by a large number of persons holding various shades of opinion between the two, that the reformation in religion under that monarch's government was carried on by royal letters, injunctions, proclamations, and acts of parliament only, while the lawful authority of the Church in her synods was not appealed to, it may be well here to take a brief review of some of the historical facts which we have been considering, so as to discover what such statements are worth.

Upon due investigation, if the DATES of records are carefully observed, it will appear on almost every occasion in this reign when royal letters, injunctions, and proclamations were issued, or statutes enacted on spiritual matters, that those injunctions, proclamations, and statutes were consequent upon the deliberations and decisions of our synods, and were ancillary to them; or if not so were merely declaratory of the existing ecclesiastical law. This is a point which depends entirely upon dates, an element in history which it argues the excess of prejudice, to say nothing of a less reasonable quality, to disregard. The examination may be tedious, but still, when truth is the object, the reader must not grudge some exercise of patience in the pursuit.

Now the point is to shew that subsequent to the discharge of the papal supremacy by synodical authority in 1534, and up to the end of the reign of K. Henry VIII., the deliberations and decisions of our synods upon such matters as lay within their proper jurisdiction *preceded*[2] the promulgation of royal letters, injunctions, and proclamations, and also *preceded* the enactment of statutes. For this purpose the following facts are suggested for the consideration of the unprejudiced and patient inquirer.

[2] A contradictory statement is very broadly made, though slenderly supported by proof, in the Rev. R. I. Wilberforce's "Treatise on the Supremacy," p. 251.

A. D. 1546. Archbps., Thomas Cranmer, Robert Holgate.

"The king's proclamation [f] for the abolishing of the usurped power of the Pope" was signed by his majesty on the 9th day of June [g], 1534.

But the papal supremacy had been synodically discharged on the 31st day of March [h] preceding by the province of Canterbury, and on the 5th day of May [i] preceding by the province of York.

The statute [j] authorizing the king's grace to be "supreme head" was enacted in that parliament which met at Westminster [k], Nov. 3, 1534.

But the title of "supreme head," with the qualification as detailed in the last chapter [l], had been accorded to his majesty in the Convocation of Canterbury on the 11th of February [m], 1531 N.S., and in that of York on the 4th of May [n] in the same year.

Towards the end [3] of the year 1534 "the king's proclamation [o] to bring in seditious books" was issued.

But the Convocation of Canterbury had previously, on the 19th of December [p], addressed the king that such a course might be pursued.

To the next proclamation [q] concerning heresies issued in the same year the same argument wholly applies.

"The letters of K. Henry VIII. [r] for the observation of the reformed ecclesiastical laws" were issued subsequently in 1534, according to the records.

But these merely authorize the abrogation of laws which had issued from the Pope, and transfer the promulgation of ecclesiastical constitutions from papal to royal authority, a necessary consequence of the discharge of the Pope's [s] supremacy as before referred [t] to.

The last proclamation set out in this year 1534 by the king was "an order [u] for a form of bidding prayers."

But here no new doctrine was involved, and only such persons as should be prayed for were specified.

The statute [v] giving the king authority "to nominate [w] thirty-two persons of his clergy and laity for making of ecclesiastical laws" was enacted [x] in the parliament held between Feb. 4 [y], 1536 N.S., and April 14 following.

[3] It must be remembered that according to the old style in which the records are dated, the year ended March 24.

[f] Conc. Mag. Brit. iii. 772.
[g] Conc. Mag. Brit. iii. 773.
[h] Conc. Mag. Brit. iii. 769.
[i] Conc. Mag. Brit. iii. 783.
[j] 26 Hen. VIII. c. 1.
[k] Stat. at large.
[l] Vid. sup. pp. 335, 336.
[m] Conc. Mag. Brit. iii. 725.
[n] Conc. Mag. Brit. iii. 744-5.
[o] Conc. Mag. Brit. iii. 776.
[p] Conc. Mag. Brit. iii. 770-6, and Strype's Mem. Cranmer, p. 24.
[q] Conc. Mag. Brit. iii. 779.
[r] Conc. Mag. Brit. iii. 779.
[s] Conc. Mag. Brit. iii. 769. 783.
[t] Vid. sup. this page.
[u] Conc. Mag. Brit. iii. 783.
[v] 27 Hen. VIII. c. 15.
[w] Stat. at Large, index.
[x] Stat. at Large.
[y] Hume, c. xxxi. p. 326.

A.D. 1546. K. Henry VIII.

But the provisions of this act were merely ancillary to 25 Hen. VIII. c. 19, s. 2, and the authority specified in both was accorded in convocation on the 15th [z] of May, 1532.

"The royal letters [a] to the Archbishop of Canterbury against preachers" were signed by his majesty on July 12 [b], 1536.

But these were to order such doctrines to be enforced as were contained in the ten articles (familiarly known as the articles of 1536) subscribed on the previous day, that is to say, on the 11th of July, 1536 [c], by both houses of the Canterbury Convocation. Nor did his majesty forget to recite their synodical authority, for in the body of the document these words occur: "We have . . . caused [d] all you, the bishops with the clergy of our realm, in solemn convocation deliberately disputing and advising the same, to agree to certain articles most catholic, conceived," &c.

"The king's proclamation [e] for uniformity in religion" next follows in 1536.

But this document states upon the face of it that the king intendeth "by advice [f] of his prelates and clergy (a term notoriously signifying synodical authority) to enforce uniformity."

The statute [g] concerning the "succession of the crown," made in consequence of Q. Anne Boleyn's divorce, was enacted in that session of parliament which ended [h] July 18, 1536 [4].

But the divorce was formally ratified by convocation previously, on June 21, in that year [i].

In the same session of parliament the statute [j] for "extinguishing [k] the authority of the Bishop of Rome" was enacted.

But that authority had been synodically extinguished two years previously, in the months of March and May, 1534, by the Convocations of Canterbury [l] and York [m] respectively.

In the same session the act [n] "for the release of such as have obtained pretended licences, &c. from the see of Rome"

[z] Sup. ch. x. p. 347. Conc. Mag. Brit. iii. 749. Att. Rights, p. 94.

[a] Conc. Mag. Brit. iii. 807.

[b] Conc. Mag. Brit. iii. 808.

[c] Conc. Mag. Brit. iii. 803. 817. Sup. p. 384.

[d] Conc. Mag. Brit. iii. 807.

[e] Conc. Mag. Brit. iii. 810.

[f] Conc. Mag. Brit. iii. 811.

[g] 28 Hen. VIII. c. 7.

[h] Stat. at Large.

[i] Conc. Mag. Brit. iii. 803. Sup. p. 382.

[j] 28 Hen. VIII. c. 10.

[k] Stat. at Large, index in loc.

[l] Conc. Mag. Brit. iii. 769.

[m] Conc. Mag. Brit. iii. 782-3.

[n] 28 Hen. VIII. c. 16.

[4] By 33 Hen. VIII. c. 21, passed five years after this date, the king was empowered to give his assent to bills by letters patent. But at this time acts did not come into force until the king had come into the House of Peers, and, sending for the Commons to the bar, assented to the bills in a mass which had passed both houses.—Blackstone's Com., vol. i. pp. 183-4.

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was passed[o]. But in this case the last argument wholly applies.

In the year 1536 "the king's injunctions" were put forth, desiring that certain articles should be declared, that certain holidays should be abrogated, and that certain restraints should be placed on the devotions paid to images.

But the articles referred to had been previously ratified by convocation (a fact to which, indeed, these injunctions[p] themselves bear testimony) on the preceding 11th[q] of July; the question of holidays had been previously settled in the same assembly[r] on the 19th of July; and devotions to images had been previously restrained, under the same authority, by the sixth[s] of the articles aforesaid.

The "injunctions[t] by Thomas Lord Cromwell, his majesty's vicar-general," published later in this year, 1536, were chiefly supplementary to the last injunctions. The principal points contained were that the translation of the Bible should be set up in every church, and that superstitious regard to images should be suppressed.

But the translation of the scriptures had been previously requested by convocation on the 19th[u] of December, 1534, and was now lately completed in accordance with that request. And the question of images had been previously settled by synodical authority on the 11th[v] of July in this year 1536.

"Articles[w] about religion .... published by the king's authority" were issued in 1536.

But their very heading states that they were "set[x] out by the convocation." In the preamble his majesty himself bears this testimony to their synodical authority: We "have[y] caused our bishops, and other the most discreet and best learned men of our clergy of this our whole realm, to be assembled in our convocation for the full debatement and quiet determination of the same." And, moreover, that this statement of his majesty is "according[z] to the truth" (which by the way the preamble of one[a] of his acts of parliament is not), we have been assured by the synodical records[b] of this year above[c] considered.

The king's "strait[d] commandment ... for the abrogation of certain holy days, sent to all bishops," was issued in 1536.

[o] Conc. Mag. Brit. iii. 813.

[p] Conc. Mag. Brit. iii. 813.
[q] Conc. Mag. Brit. iii. 803. Sup. p. 384.
[r] Conc. Mag. Brit. iii. 803. 823. Sup. p. 385.
[s] Conc. Mag. Brit. iii. 821.
[t] Conc. Mag. Brit. iii. 815.

[u] Conc. Mag. Brit. iii. 776. Sup. p. 380.
[v] Conc. Mag. Brit. iii. 803. 823. Sup. p. 384.
[w] Conc. Mag. Brit. iii. 817.
[x] Conc. Mag. Brit. iii. 817.
[y] Conc. Mag. Brit. iii. 817.
[z] Preamb. 25 Hen. VIII. c. 19.
[a] 25 Hen. VIII. c. 19.
[b] Conc. Mag. Brit. iii. 803, and 822-3.
[c] Vid. sup. pp. 383-4.
[d] Conc. Mag. Brit. iii. 823. See Heylin's Hist. Tracts, p. 17.

But these documents were only transcripts of the decree[e] made by convocation on the 19th[f] of July previously.

"The[g] king's letter against too many holidays" was signed by his majesty August 11, 1536.

But this document[h] merely desired that the late decree of convocation agreed[i] to on the 11th of July should be enforced; and, moreover, the instrument declares upon the face of it that "the[j] superfluity of holidays we have, by the assents and consents of all you the bishops and other notable personages of the clergy of this our realm, and in full congregation and assembly had for that purpose, abrogated."

"A letter[k] written by the king to his bishops, directing them how to instruct the people," was published[l] on the 19th of November, 1536.

But this document[m] is simply a declaration of episcopal duties, in accordance with the then existing ecclesiastical law, some references being also made to the ten articles previously agreed upon by the Canterbury provincial Synod on the 11th[n] of July, 1536.

"A proclamation[o] concerning rites and ceremonies to be used in due form in the Church of England" was the next issued.

But this instrument declares upon its face that all such rites and ceremonies are enjoined "as[oo] have been laudably accustomed in the Church of England."

The act of the six articles[p], "for abolishing[pp] diversity of opinions," &c. was the last statute enacted in that session of parliament which rose on the 28th[q] of June, 1539.

But the whole[r] of the doctrinal matter which that act respected had been previously submitted to the Canterbury Synod for their decision on the second day[s] of that month, and answers to the several points proposed having been returned in detail, the act was framed in parliament upon them.

In 1539 certain injunctions were set forth "by the authority[t] of the king against English books, sects, and sacramentaries, also the putting down the day of Thomas Becket." A perusal of these injunctions shews that they were intended to stop the publication of heretical books, to promote the observance of certain doctrines[u] and ceremonies[v], to settle a

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e Conc. Mag. Brit. iii. 823-4.
f Conc. Mag. Brit. iii. 803.
g Conc. Mag. Brit. iii. 824.
h See Heylin's Hist. Tracts, p. 17.
i Conc. Mag. Brit. iii. 803.
j Conc. Mag. Brit. iii. 824.
k Conc. Mag. Brit. iii. 825.
l Conc. Mag. Brit. iii. 826.
m Vid. in loco.
n Conc. Mag. Brit. iii. 803—817.
o Conc. Mag. Brit. iii. 842.
oo Conc. Mag. Brit. iii. 842.
p 31 Hen. VIII. c. 14.
pp Stat. at Large, index.
q Stat. at Large.
r Conc. Mag. Brit. iii. 848.
s Conc. Mag. Brit. iii. 845-6. Sup. pp. 395-6.
t Conc. Mag. Brit. iii. 847.
u Item 5.
v Item 6.

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point[w] of discipline, and to obliterate from the calendar[x] Thomas à Becket's day.

But convocation had applied to the king on the 19th[y] of December, 1534, on the subject of restraining suspected books. As to the doctrines, ceremonies, and point of discipline alluded to, they had severally been synodically settled previously, that is to say, on the 11th[z] of July, 1536, and on the second day[a] of June in the year 1539 respectively. And as to the "putting down the day of Thomas Becket," his canonization, "made[b] only by the Bishop of Rome," seems necessarily to have been extinguished by the discharge of the papal supremacy under the synodical authority of the provincial synods of the English Church in 1534, as above specified[c].

The statute[d] "concerning archbishops, bishops, &c. to be in the commission of the act concerning the abolition of erroneous opinions in the Christian religion" was enacted between April 28[e] and July 24, 1540.

But this act was merely ancillary to the act[f] of the six articles, in respect of which[g] we have seen that the whole doctrinal matter contained was previously submitted[h] to convocation; and that the synod returned specific answers, on which the statute was framed. Moreover, the provisions of our present act, that archbishops, bishops, and other ecclesiastics should be charged with the execution of such spiritual matters as are glanced at appears no more than seemly.

The statute[i] "for[ii] dissolution of the king's pretensed marriage with the Lady Anne of Cleve" was passed July 12[j], 1540.

But the divorce had been determined upon in a national synod on the preceding ninth[k] day of July, and that in a most solemn manner, the highest notabilities of the land having been examined upon oath before the synod, as previously[l] described. Moreover, the act before us recites[m] the judgment of the national synod.

A subsequent[5] act[n], "concerning pre-contracts[o] of marriages," was made in this same session of parliament.

[w] Item 7.
[x] Items 9, 10, 11.
[y] Conc. Mag. Brit. iii. 770—776.
[z] Conc. Mag. Brit. iii. 803. 820, 821-2.
[a] Conc. Mag. Brit. iii. 845-6.
[b] Conc. Mag. Brit. iii. 848.
[c] Vid. sup. p. 351.
[d] 32 Hen. VIII. c. 15. Stat. at Large, index.
[e] Stat. at Large.
[f] 31 Hen. VIII. c. 14.
[g] Vid. sup. pp. 395-6.
[h] Conc. Mag. Brit. iii. 845-6.
[i] 32 Hen. VIII. c. 25.
[ii] Stat. at Large, index.
[j] Coll., vol. v. pp. 64, 65.
[k] Conc. Mag. Brit. iii. 852.
[l] Vid. sup. pp. 401—403.
[m] Vid. Coll., vol. v. p. 65.
[n] 32 Hen. VIII. c. 38.
[o] Stat. at Large, index.

[5] This act, it is curious to observe, was to take effect from July 1, 1540, though

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But it was framed upon the principle acted upon by the national synod on the 9th of July previously[p], in the matter of Anne of Cleves' divorce, viz. that pre-contracts did not render marriages void in cases where they had been consummated, for on this point the greatest stress was laid in the synod.

A proclamation for the "Bible[q] of the largest and greatest volume to be had in every church" was issued on the 6th of May, 1541.

But, as has been before remarked, a translation of the Bible had been previously requested by convocation on the 19th[r] of December, 1534. That translation had subsequently appeared, and had been set up[s] in the churches. An improved translation had more recently come out under the auspices[t] of Archbishop Cranmer in 1539, and this last edition was now to be substituted in place of the earlier one.

"The king's letter[u] for taking away shrines and images," dated from Hull, is attributed to October 4, 1541.

But the reforms of such abuses as were here ordered to be removed had been initiated[v] by the sixth of the articles[w] agreed to in convocation on the 11th of July[x], 1536. Furthermore, it is not clear that this letter does not belong to the year 1542; at any rate, it is dated "the thirty-fourth yere[y] of our reign." In this case our position is fortified, as the royal letter was then consequent upon the debate which took place on this subject in convocation on Feb. 24[z], 1542 N.S.

The statute[a] for uniting the diocese of Chester and the diocese of Man to the province of York was enacted in the spring of 1542.

But such territorial distributions have always been considered to come within the partial cognizance of the civil power; and so long as that power is exercised in concord with the Church, great benefits may be expected to ensue from such arrangements.

The statute[b] "for[c] the advancement of true religion, and for

[p] Conc. Mag. Brit. iii. 852.

[q] Conc. Mag. Brit. iii. 856.

[r] Conc. Mag. Brit. iii. 776.
[s] Vid. sup. p. 405.
[t] Hartwell Horne, vol. ii. app. 62. Sup. p. 405.
[u] Conc. Mag. Brit. iii. 857.

[v] Coll. iv. 360.
[w] Conc. Mag. Brit. iii. 821.
[x] Conc. Mag. Brit. iii. 803.
[y] Conc. Mag. Brit. iii. 858.
[z] Conc. Mag. Brit. iii. 861. Sup. p. 408.
[a] 33 Hen. VIII. c. 31.

[b] 34 & 35 Hen. VIII. c. 1.
[c] Stat. at Large, index.

it is subsequent to 32 Hen. VIII. c. 25, which was passed * July 12, 1540. For the disentanglement of any apparent difficulty involving retrospective legislation we must look to that learned profession whose studies are particularly directed to such inquiries.

* Coll. v. 64-5.

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the abolishing of all false doctrines" was enacted[cc] in the spring of 1543 N.S.

But the very first section of the act gives us this correct information: "Recourse[d] must be had to the catholic and apostolic Church for the decision of controversies." This statute, therefore, very justly directs that Tindal's translations should be forbidden, in accordance with the decision arrived at in the Canterbury Convocation, Feb. 3, 1542 N.S.[e]

The king's letters to the Archbishop of Canterbury, desiring "that[f] general rogations should be made for the cessation of rain," was signed Aug. 20, 1543.

But here is no challenge of spiritual authority higher than should be accorded cheerfully in fulfilling so pious a request.

The statute[g] "for[gg] the ratification of the king's majesty's stile" was enacted in the spring of 1544[h] N.S. Here, to mention the point in which it alone concerns our present inquiry, the title of "supreme head" on earth of the Church of England and Ireland was ratified by parliament.

But that title had been accorded with a qualification[i], as we have seen, thirteen years before, by the provincial Synods of Canterbury on the 11th of February[j], 1531 N.S., and of York on the 4th of May[k], 1531, respectively.

The act[l] "concerning[ll] the qualification of the statute of the six articles" was passed in the spring of 1544 N.S.

But this statute was merely[m] declaratory of certain modes of proceeding to be taken under the provisions of 31 Henry VIII. c. 14; and upon the doctrinal matter contained in the last mentioned act (though, I trust, not upon its cruel provisions) the decision of convocation had been given, as we have[n] seen above, on the 2nd of June[o], 1539; and that at the express request of the vicar-general[p] and the king.

The statute[q] "concerning[qq] the examination of the canon laws by two and thirty persons, &c." was enacted also in the spring of 1544 N.S.

But this act was only ancillary to a provision in 25 Hen. VIII. c. 19, s. 2; and that provision respecting the review of the canon law had been agreed to by the clergy in convocation on May[r] 15, 1532. Moreover, the subsidy voted on Feb. 23[s], 1543 N.S., by the provincial Synod of Canterbury, had been accompanied by a request, which, taken

cc Stat. at Large.
d 34 & 35 Hen. VIII. c. 1, ad init.
e Conc. Mag. Brit. iii. 860-1. Sup. p. 406.
f Conc. Mag. Brit. iii. 868.

g 35 Hen. VIII. c. 3.
gg Stat. at Large, index.
h Stat. at Large.

i Vid. sup. chap. x. pp. 335-6.

j Conc. Mag. Brit. iii. 725.
k Conc. Mag. Brit. iii. 744-5.
l 35 Hen. VIII. c. 5.
ll Stat. at Large, index.
m Stat. at Large, in loco.

n Vid. sup. p. 395.
o Conc. Mag. Brit. iii. 845-6.
p Conc. Mag. Brit. iii. 845-6.
q 35 Hen. VIII. c. 16.
qq Stat. at Large, index.
r Conc. Mag. Brit. iii. 749.
s Conc. Mag. Brit. iii. 863.

with its concomitant, was not unlikely to meet with the king's and the parliament's joint consideration. That request was—"for[t] the ecclesiastical laws of this realm to be made according to the statute made in the 25th[6] year of his (the king's) most gracious reign." And once again this question of a review of the canon law had been discussed in convocation in this very year. Feb. 1[u], 1544 N.S., and deliberation had been held upon an address to the king for the specific purpose which the act before us contemplates.

"The king's[v] letters to the Archbishop of Canterbury, for publishing royal injunctions" for using "certayne[w] godly prayers and suffrages in our natyve Englyshe tongue," were put forth June 11[x], 1544.

But these injunctions, without doubt, refer to that litany similar to the one now in use, which, as we have[y] seen, there is internal evidence to prove was sanctioned by the convocation which rose March 31[z], 1544.

The statute[a] "for[aa] tithes in London" was enacted in the autumn of 1545.

But this act was made subsequent to the request sent up to the king with a subsidy voted in convocation, Feb. 23[b], 1543 N.S., that a just payment of tithes should be enforced by parliament. And, still further, it had been ordered on the 1st[c] of Feb. 1544 N.S., that a bill for this purpose should be prepared in the lower house of the Canterbury Convocation for the sanction of parliament.

"An injunction[d] given by the king . . . for the autorisyng and establishyng the use of his primer" was issued on the 6th of May, 1545. The chief point insisted on here was, "that[e] the youthe by divers persones are taught the Pater noster, the Ave Maria, crede, and ten commaundements all in Latin, and not in Englyshe." And this primer was chiefly intended to rectify such abuse.

But on the 17th and 24th of Feb.[7] 1542, this subject had been debated[f] in the Convocation of Canterbury; and on the latter day Archbishop Cranmer had treated with the upper house on the advisability of the "people's[g] learning and re-

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t Conc. Mag. Brit. iii. 863.

u Conc. Mag. Brit. iii. 868. Sup. p. 418.

v Conc. Mag. Brit. iii. 869.

w Conc. Mag. Brit. iii. 870.

x Conc. Mag. Brit. iii. 870.

y Vid. sup., sub an. 1544, p. 418.

z Conc. Mag. Brit. iii. 868.

a 37 Hen. VIII. c. 12.

aa Stat. at Large, index.

b Conc. Mag. Brit. iii. 863. Sup. p. 414.

c Conc. Mag. Brit. iii. 868. Sup. p. 418.

d Conc. Mag. Brit. iii. 875.

e Conc. Mag. Brit. iii. 875.

f Conc. Mag. Brit. iii. 861.

g Conc. Mag. Brit. iii. 861.

6 There is here a misprint of 5th for 25th in the original.

7 Vid. sup., pp. 408 and 409. Feb. 14 is given in the records, but that is a manifest error for 24.

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citing in the vulgar tongue the Lord's prayer, the creed, and the ten commandments." All this leaves little room to doubt that this primer was the result of those debates.

The statute[h] "For[hh] the union of churches not exceeding the value of six pounds" was enacted in the parliament which began at Westminster[i], November 23, 1545.

But on the 23rd of February, 1543 N.S., the convocation had attached this petition to their subsidy then voted: "For an act[j] of parliament to be made this session for the union and corporation of small and exile benefices through this realm, which for smallness of fruits be not able to find a priest, and so rest untaken by parson, vicar, or curate."

On the 8th of July, 1546, K. Henry VIII.'s last proclamation[k] connected with religion was published. It was directed against Wickliffe's, Tindal's, and Coverdale's translations of the scriptures, and also against other books containing[l] matter contrary to the act of parliament 34 & 35 Hen. VIII. c. 1.

But on the 3rd Feb. 1542 N.S. the bishops in the Canterbury Synod had decided[m] against those earlier translations of the scriptures, and joint committees of both houses had subsequently been appointed[n] for amending them. The intent, therefore, of this proclamation was to enforce the use of such a translation only as had proper authority. And as regards the books referred to in the proclamation, the language of the act[o] recited plainly specifies that they were such as impugned the established religion, or were contrary to the king's previous proclamation on the subject; and that proclamation, as we have seen above[p], was made at the express request of the convocation, put up on the 19th of December[q], 1534.

Now from the synodical discharge of the papal supremacy in 1534 down to the date of the death of K. Henry VIII., January 28, 1547, the foregoing embrace all the royal letters, injunctions, and proclamations, as well as all the statutes connected with purely spiritual matters (at least they embrace all that are upon record in the "Concilia" and Statutes at Large), excepting only seven copies of injunctions and one act of parliament, which have hereafter to be considered separately.

And if any patient reader has had sufficient perseverance

h 37 Hen. VIII. c. 21.
hh Stat. at Large, index.
i Stat. at Large.
j Conc. Mag. Brit. iii. 863.
k Conc. Mag. Brit. iv. 1.
l Conc. Mag. Brit. iv. 1.
m Sup. p. 406. Conc. Mag. Brit. iii. 860-1.
n Conc. Mag. Brit. iii. 860-1. Sup. p. 407.
o 34 & 35 Hen. VIII. c. 1, s. 1.
p Vid. sup. pp. 380. 422.
q Conc. Mag. Brit. iii. 770-6.

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(which is, however, much to be doubted) to wade through the preceding long and dry detail of facts and dates, he can hardly fail to pause before he admits the popular assertion that spiritual matters were at this time dealt with by the king and parliament without reference to the synods of England, the rightful authorities in such cases. At any rate here are materials worthy of consideration, which afford to a contradictory assertion some reasonable foundation. In fact, if dates are to be respected in historical research, and if chronology is admitted to be a necessary element in arriving at truth, every reasonable man must conclude that in spiritual matters royal letters, proclamations, and injunctions were at this time nothing more than the authoritative promulgation of foregone synodical conclusions; and that acts of parliament were the statutable sanctions of the previous determinations or requests of the convocations. Hence it may be justly concluded, that such sure advances, as had up to this time been made towards a true reformation in religion, were legitimately secured by the proper acts of the English Church in her provincial synods.

It was however admitted that seven copies of injunctions and one act of parliament had to be considered apart. They shall be taken in order; and first of the injunctions.

Of these seven documents, four of them, viz. those issued A.D. 1535[r], A.D. 1535[s], A.D. 1535[t], and A.D. 1545[u] respectively, have respect to the visitation of monasteries. Their object, as we shall see hereafter when considering that matter more closely, was not so much to regulate the spiritual concerns of the inmates, as to appropriate to royal and courtly uses their possessions. Carnal, not spiritual, interests were the main and ultimate aim of these documents; and therefore any further investigation of their contents may be omitted in this part of our inquiry, and deferred to a future time when we shall consider[v] the very exceptionable managements to which those religious institutions were subjected.

[r] Conc. Mag. Brit. iii. 786.
[s] Conc. Mag. Brit. iii. 789.
[t] Conc. Mag. Brit. iii. 799.
[u] Conc. Mag. Brit. iii. 875.
[v] Vid. infra, sec. 17.

There remain then three copies of injunctions referring to spiritual concerns for special consideration in this place.

The first of these was an "inhibition[w] for a royal visitation," signed by the king September 18, 1535. This was a

[w] Conc. Mag. Brit. iii. 797.

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royal command prohibiting the archbishops, bishops, and archdeacons from holding visitations in their respective localities, under penalties due to contempt [x] of his majesty, until a royal visitation should be completed.

[x] In loco.

Notwithstanding, however, K. Henry's extravagant inhibition, it does not appear that this unreasonable attempt to extend the regale was [y] in any way warranted, nor did the Church of England, however subservient her primate may have proved in this matter, herself compromise, so far as appears, her spiritual independence. Such tyrannical eccentricities may provoke ridicule, as cruelties excite disgust. But that thus the foundations of the Church can be dissolved or the commission given by her Lord on the mount of Galilee disabled is not a probable consequence. When Nero persecuted, the Church suffered, but was not destroyed.

[y] See "Judgment of some Bishops." Conc. Mag. Brit. iii. 839.

There are two other remaining copies of injunctions to be considered, for which I have no synodical authority to produce; one copy published in 1541, entitled "a decree [z] for observing the feasts of S. Luke, S. Mark, and S. Mary Magdalene," &c.; the other entitled "a proclamation [a] concerning eating white meats," issued Feb. 9, 1543 N.S.

[z] Conc. Mag. Brit. iii. 859.

[a] Conc. Mag. Brit. iii. 867.

Now considering that the registers of convocation have been destroyed by fire, it is no wonder if some of their decrees should not be forthcoming. Moreover, my search in those records which do remain has perhaps not been sufficiently accurate to discover such synodical authority as may be in existence for these injunctions. At any rate, considering the mass of evidence previously adduced to shew that the long list of injunctions already quoted was consequent upon synodical decrees or decisions, it would not come within the terms of reasonable argument to quote these two exceptions as a foundation on which to ground a denial that the reformation in the reign of K. Henry VIII. was mainly carried on by the sacred synods of England. A "decree" for the observance of a few holidays, and a "proclamation concerning eating white meats" are not the basis upon which the reformation of religion in England rests. Nor can they be reasonably relied upon to form a bar against the whole current of contemporaneous history, which unmistakeably teaches us that our faith was gradually refined and restored to the primitive standard by

the authority of the legitimate synods of our national Church. A. D. 1546. K. Henry VIII.

We have also one statute made in this reign to consider, viz. 31 Hen. VIII. c. 9, and this is an exception to the common usage of the time, and was not enacted in conformity with the decrees or requests of a convocation. It is of course to be understood that in our present inquiry we have no need to consider the acts of parliament which referred exclusively to the temporal possessions of the Church, and were directed to the conversion of trust properties to the king's and his courtiers' use. These will be considered hereafter in their proper place when we inquire into the reduction in number of the members in our synods consequent upon the dissolution of the monasteries. Our inquiry here is confined to such acts of parliament as respected purely spiritual matters; and of such is the act above specified.

It is the statute [b] "for [bb] authorizing the king's highness to make bishops by his letters patent." The title of this act is certainly surprising, but then we are to consider that the learned person who penned it was not sufficiently circumspect in his use of words. The meaning the legislature intended to convey was that the king might "nominate and present" bishops by his letters patent, for confirmation and consecration, as (under a supposition of circumstances) had been previously enacted [c]. And if the somewhat exceptionable language of the gentleman who drew this act is thus explained to its intended sense, we need not dwell longer upon the subject than to remember that neither crown patronage in the matter of bishoprics (which is all that was here intended) nor lay patronage in respect of parochial benefices can be tortured into any reasonable argument against the spiritual authority of the Church herself.

[b] 31 Hen. VIII. c. 9.
[bb] Stat. at large, Index.

[c] 25 Hen. VIII. c. 20, sec. 4.

In fine it appears clear that the acts of parliament in this reign on spiritual matters were the formal embodiment of foregone synodical decisions subsequently fortified by legislative sanctions, and this seems incontrovertible, notwithstanding a very remarkable announcement to the contrary made by a late writer [d]. The Church had thrown off her subserviency to Rome, and a return in a great measure was made, now that she had recovered her liberty, to the ancient

[d] Rev. R. I. Wilberforce on "The Supremacy," p. 261.

A.D. 1546. Archbps., Thomas Cranmer, Robert Holgate.

and laudable principles of the Anglo-Saxon constitution. Would that we had the piety and wisdom in this generation to adhere to them!

It appears equally clear that royal injunctions were at this time the formal promulgation under the sovereign's authority of synodical decrees. Formerly such instruments had appeared in the shape of "Constitutions," first agreed to in synod and then set out in the archiepiscopal name. But now the whole executive power was lodged ultimately in the crown. And though the synods, as deliberative assemblies, decided upon such spiritual matters as required attention, yet when settled the decisions were issued under the form of royal injunctions, which in effect were canons ratified by the king, and so to be enforced under temporal penalties by the civil magistrate, against such as should resist their provisions.

To sum up this topic, the words of the Church historian Fuller, one not peculiarly favourable to ecclesiastical authority, seem to apply with much aptness. "Upon[e] serious consideration," he says, "it will appear that there was nothing done in the reformation of religion save what was acted by the clergy in their convocations, or grounded upon some act of theirs precedent to it, with the advice, counsel, and consent of the bishops and most eminent Churchmen confirmed upon the postfact, and not otherwise, by the civil sanction according to the usage of the best and happiest times of Christianity."

[e] Fuller, Ch. Hist. book v. p. 188.

XVII. Dissolution of the abbeys and monasteries.

As we now arrive at the close of K. Henry VIII.'s reign, it will be necessary to consider the change which passed upon our convocations in consequence of that monarch's disposition of the ecclesiastical property of this country.

This subject important to our inquiry, as thus our provincial synods were materially reduced in numbers.

The dissolution of the abbeys, monasteries, and religious houses tended to diminish greatly the number of the members of our provincial synods; and as so great a change from this cause passed upon those assemblies, the subject requires some special attention in the prosecution of our inquiry. A more excessive strain of injustice has seldom been exercised. When the enterprise was fresh, and K. Henry VIII. was contemplating the dissolution of the

religious houses, he was advised at the council board "not to think of ruining but of[f] reforming those societies." It was there remarked that he should "be pleased to remember the foundations were dedicated to God Almighty," that such a consideration ought to[g] "prevail with his majesty to transfer the estates to some pious use, and that even here the matter should be managed with reservation, and a sufficient number of these religious houses be still maintained for both sexes in every county," and that by these means his "highness would be screened from censure and shew a regard to antiquity and devotion[gg]." This though wholesome advice was little congenial to the king's temper. Counsel of an opposite character submitted to him appears to have been more palatable, and to have secured his compliance. It was said on the other hand that "the government[h] must have people to work and fight as well as to preach and pray for it:" otherwise "our generals and captains should be made bishops and deans, and our men of war and forts be turned into chapels and religious houses." It was therefore suggested "that[i] a visitation would be a proper remedy, and that those who visit should be authorized to discharge those religious who find their vows too much for them; to open the cloister, to suit their tempers better, and give them the freedom of the world." And to this was added a hint that in certain emergencies it would be "desirable[j] to proportion the fortunes of the spiritualty and temporalty, and bring the kingdom to an evener balance."

A.D. 1546. K. Henry VIII.

[f] Coll. iv. 291.

[g] Coll. iv. 291.

[gg] Coll. iv. 291.

[h] Speech at Council Board. Coll. iv. 292.

[i] Coll. iv. 293.

[j] Coll. iv. 293.

Cromwell appointed visitor.

This last advice prevailed, as was likely, with his majesty, who declared that he would order a visitation. For the management of this business no person was thought better qualified than the secretary Cromwell, who being disaffected to the monasteries was appointed visitor; and to qualify him for that function among others he received the title[k] of vicar-general. Cromwell was[l] authorized by the king's letters patent to constitute deputies for the more easy performance and speedy management of his new duties, and his choice fell upon Richard Layton, Thomas Legh, William Petre, John London, and others. The three first mentioned were doctors-in-law, the last Dean of Wallingford.

[k] Hume, chap. 31.

[l] Conc. Mag. Brit. iii. 784.

Before the visitation commenced, letters were issued by[m] the king, forbidding the Archbishop of Canterbury and his

[m] Coll. iv. 295. Sup. pp. 431-2.

A.D. 1546. Archbps., Thomas Cranmer, Robert Holgate.

suffragans to exercise their customary right of visitation until the royal [n] inquiry was finished. And here a strain of power somewhat startling was challenged, episcopal jurisdiction struck down, and the regale exalted to an unwarrantable pre-eminence.

[n] Conc. Mag. Brit. iii. 797.

The abbey commission.

The commissioners soon began their visitation under Cromwell's auspices, Souwell, Price, Gage, and Bellasis acting together with those before mentioned. Many high [o] functions of ecclesiastical jurisdiction were committed to them, "and as to monasteries they had as it were an unlimited authority, and were empowered to allow pensions to such as were disposed to quit that way of living [oo]." For direction in the prosecution of their object they were furnished with instructions condensed into eighty-six [p] articles, which tended to draw forth information on all the minutest points of management connected with the religious houses.

[o] See Coll. iv. 297.

[oo] See Coll. iv. 297.

[p] Coll. iv. 298.

Upon their return the visitors gave a tragical account of the morality practised in the monasteries, and flourished upon their excessive wealth. But that their reports were fair, their evidence unbiassed, and their whole conduct just, has been reasonably doubted. Some monasteries fell, some of the inmates were transferred [q] to larger houses, some went forth into the world, and some, by cautious management, obtained more favourable conditions and received small pensions. Having thus paved the way for a more general sally against the property of the religious (whose possessions, it would seem to unprejudiced persons, ought to have stood upon the foot of the law and the common rights of the subject), an act of parliament [r] for the dissolution of the smaller abbeys was obtained in order to complete their overthrow. And if the doleful preamble of this act is "according to the truth," which, as before remarked, was not always the case [s] in this reign, the state of morals, devotion, and religion in those institutions which were now doomed must have been shocking in a very high degree. But language so comprehensive and assertions so general and sweeping as are there contained suggest doubts whether the evidence of the authors was unprejudiced [t], and all their statements precisely limited by truth.

[q] Coll. iv. 310.

[r] 27 Hen. VIII. c. 28.

[s] See 25 Hen. VIII. c. 19. Sup. pp. 361-2.

[t] Hume, chap. xxxi. [u] Coll. iv. 323. & Hume, chap. xxxi. ad an. 1536.

The lesser religious houses fall.

In the body of the act all religious houses of [u] the yearly value of 200*l.* and under, with

all their manorial rights, lands, tithes, and advowsons were granted to the crown, together with all the ornaments, jewels, goods, chattels, and debts thereto belonging. A. D. 1546. K. Henry VIII.

"... gaza
Incensis erepta adytis, mensæque Deorum,
Crateresque auro solidi, captivaque vestis
Congeritur[v]."

[v] Virg. Æn. ii. 763-6.

Now if the mismanagement of these houses was really so scandalous as was represented, a more unexceptionable remedy might have been applied than a pillage of their property. Treasures so obtained have never entailed a blessing on the new possessors. And, moreover, a pretence of correcting morals by the commission of sacrilege is a proceeding which will hardly bear rigid scrutiny.

It may seem at first somewhat unaccountable that the lesser abbeys should have been the prey first fastened upon by this act; especially as the greater ones would have afforded richer spoils. But it must be borne in mind that many of the superiors of those larger houses had seats in parliament[w], about twenty-nine mitred abbots and priors sitting with the lords. It was well, therefore, at the opening of the attack not to make an assault on that point where resistance might have proved most vigorous; and prudence therefore suggested that the lesser abbeys should alone bear the first brunt, and that some flourishes of compliment on the other hand should be paid to the greater houses, for which this statute[x] was made the vehicle.

[w] Coll. v. 17.

[x] 27 Hen. VIII. c. 28.

Thus, as is usual, the weak and defenceless fell first; 376[y] of these "ancient[z] monuments of devotion were disincorporated and dissolved." A revenue of 32,000*l.*[a] per annum came in to the exchequer, together with at least 100,000*l.*, the value of realized property confiscated. That this expedient[b] for enriching the crown was unjustifiable is certain; whether it gave general satisfaction at the time is extremely doubtful. For, not to speak here of the morality of the proceeding, we learn that no less than 10,000 persons were thrown upon the public unfurnished with means of subsistence. And we are told also, what is not hard to believe, that "the seeing the monks and nuns stroll about the country for their bread, and the churches pulled down, profaned, and

[y] Hume, chap. xxxi. ad an. 1536.

[z] Coll. iv. 324.

[a] Hume, chap. xxxi. ad an. 1536.

[b] See Hume, chap. xxxi. ad an. 1538.

A.D. 1546. Archbps., Thomas Cranmer, Robert Holgate.

turned into barns and pigeon-houses, was no agreeable spectacle [c]."

K. Henry VIII. covets the greater religious houses.

Shortly after the lesser abbeys had received this treatment, the spoil thence derived whetted the king's appetite for more substantial provision. It was therefore considered a prudent management, in order to the suppression of the greater abbeys. to lessen the reputation of the religious by charges of imposture and superstition. That such charges had some foundation is not unlikely; but that they were exaggerated is tolerably clear; and that the object with which those charges were prosecuted is indefensible is very certain. The possessions of the greater abbeys now were the objects of desire, and in proportion as the reputation of their inhabitants could be shaken, the king hoped that his plans with regard to them would proceed with an easier motion.

[c] Coll. iv. 324.

The abuse of offerings at the shrines of the saints was also much inveighed against. It is not denied that abuses on these points existed; but, as Bishop Godwin observes [d], "the king was strongly disposed to promote a reformation that would turn the penny and furnish the exchequer." To this end the shrine of à Becket [e] at Canterbury was dismantled, and his bones burnt on the occasion. Two large chests full of gold and jewels, each so heavy as to require eight men to move them, were carried away for K. Henry's use; and a stone of exceeding worth, which had been offered by K. Louis VII. of France, was set in a ring for the decoration of the royal thumb. Our monarch perhaps thought that, in appropriating to himself these votive offerings of a former age, he might supply their places with somewhat more useful and less expensive. Dionysius robbed the statue of Jupiter of its golden mantle, and replaced it with one of wool, suggesting as his reason that the original covering was too warm for summer, too cold for winter.

[d] Coll. iv. 428.

[e] Conc. Mag Brit. iii. 835-6.

The city of Canterbury was not only remarkable for the pillage of à Becket's shrine at this period, but the rich monastery of S. Augustine [f] was seized, the monks were driven out, part of their estates appropriated to the king, and the rest given away among his courtiers.

[f] Coll. iv. 429.

"Ausi omnes immane nefas, ausoque potiti [g]."

[g] Virg. Æn. vi. 624.

The sacrilege, however, of that age has been repaired by the Christian[8] munificence of this. That spot has been generously restored to pious uses; and within those precincts are now trained future heralds of Christ's gospel, whose feet, beautiful upon the mountains, shall carry thenceforth to distant lands not only messages of peace but lessons of justice. A. D. 1546. K. Henry VIII.

The abbey commission surprisingly increased.

By the beginning[h] of the year 1539 almost all the religious houses had fallen into the hands of the crown. The list of commissioners appointed to visit them, in addition to those already mentioned, affords a formidable array of names. They were as follow:—Robert[i], earl of Sussex. Sir John Saint Clere, Sir William Pirton, Sir Henry Farrington, knights, and Richard Devereux, formerly a friar, Anthony Fitzherbert, afterwards a justice of the Common Pleas, William Leyland, John Williams, Thomas Mildmay, — Jobson. Richard Cromwell, William Parr, Henry Polstead, John Anthony, John Grevil. Simon Mountfort, Thomas Holt, Roger Wigston, Robert Burgoin, Richard Pollard, Philip Parys, John Smith, Edward Carne, Richard Gwent, William Berners, John Arnold, Richard Pawlet, George[j] Gifford, Edmund Knightly, John Lane, and Thomas[k] Bedyll. It has been suggested by Sir William Dugdale[l], that the destruction of the religious houses was no original thought of K. Henry VIII., but that he was urged to proceed in that business by ambitious persons, who foresaw great advantages to themselves. And if titles and wealth may be so considered, without regard to the means by which they are obtained, his majesty's advisers may, at least, be reckoned long-sighted, and share the commendation bestowed on the unjust steward. At any rate these gentlemen who were placed in the commission proved themselves remarkably ingenious managers, and suited their performances to the occasion.

h Coll. v. 1.

i Coll. v. 7.

j Coll. v. 2.

k Coll. v. 3.

l See Col. v. 3.

The greater religious houses fall.

Persuasion and promises[m] of pensions, charges of obstinacy[n] and incompliance[o], accusations of treachery, together with inflictions[oo] of severer usage, were the batteries brought to bear in succession upon the religious, and were[p] played upon them with unwearying constancy. These attacks went far towards driving them to a capitulation. And that the booty might be secured to the invaders,

m Coll. v. 7. & Hume, chap. xxxi.

n Ibid.

o Coll. v. 8.

oo Coll. v. 8.

p Hume, chap. xxxi.

[8] The name of A. J. B. Hope will always be associated with this institution.

A.D. 1546. Archbps., Thomas Cranmer, Robert Holgate.

the commissioners took[q] the convent seals from some houses, and "thus[r] their communication and provision were in a great manner cut off." "By this means the paying their debts and supplying their occasions were oftentimes impracticable, and thus the garrison was reduced at last and starved into a surrender." The cruelties, moreover, which were practised on the fallen were extreme. The abbots of Colchester, Reading, and Glastonbury, who had shewn some constancy in defending the rights and revenues of their houses, perished cruelly[s] by the hands of the executioner.

[q] Coll. v. 10.

[r] Coll. v. 10.

[s] Hume, chap. xxxii.

Notwithstanding the force brought to bear in this enterprise, the whole matter[t] was managed so as to make a shew before the world as though no rough usage had been applied. It was pretended that the king had been, as it were, "courted[u] to accept the monasteries." To this end forms of surrender[v] appear to have been dictated, for those instruments, in some instances, certainly exhibit smarter strokes of self-accusation than persons are wont to apply for their own correction, and so bear internal evidence of having been prescribed by the commissioners. And as the proceedings in this business had been singularly indefensible, it was considered desirable to have[w] them confirmed by acts[y] of parliament, of which 27 Hen. VIII. c. 28, and 31 Hen. VIII. c. 13, are notable examples.

[t] See preamble 31 Hen. VIII. c. 13.

[u] Coll. v. 10.

[v] See Coll. v. 12, 13.

[w] See Bacon's Works, vol. ii. p. 531. Ed. Lond. 1826.

In order to obtain further countenance for the wholesale alienation of property which had taken place, and was to be continued, the nobility "were promised large shares in the spoils." Free gifts, easy purchases, and advantageous exchanges were the baits held out; and as these lay somewhat temptingly upon the surface of things, remarkable success by such gentle arts was ensured. Thus a large portion of the abbey lands was granted to the nobility and laity by the advice of the visitor, Cromwell, who told the king that such a division of that property was the only way to "clinch the business[x], and make the settlement irrevocable." It certainly was a business requiring the exercise of some extraordinary ingenuity for its settlement, as the abbeys suppressed in England and Wales[y] were in all 645, to which must be

[x] Coll. v. 17.

[y] Coll. v. 28.

[y] 27 Hen. VIII. c. 28 31 Hen. VIII. c. 13, 32 Hen. VIII. c. 24, 37 Hen. VIII. c. 4, 1 Ed. VI. c. 14.—Vid. Stat. at Large.

added 110 hospitals, 2374 chantries and free chapels, and 90 colleges[z]. A.D. 1546. K. Henry VIII.

The whole yearly revenue of these establishments is computed to have been[a] 161,100*l.*[b]; and, besides this, the sums realized by the stock upon the farms, timber, lead, and other materials, furniture and plate, church ornaments, jewels, and bells, must have amounted to an almost incalculable sum. To take one instance: the visitors seized and carried off from the monastery of S. Edmundsbury five thousand marks of gold and silver, besides jewels of great value, "all[c] which," saith the Lord Herbert, "being by some called rapine and sacrilege, I will no way excuse." Nor should we omit to observe that, considering all the circumstances connected with these valuations, the revenues of the lands upon modern computations and according to present management would probably rise nearly twentyfold.

[z] Hume, chap. xxxi. ad an. 1538.
[a] Ibid.
[b] Lord Herbert.
[c] Coll. v. 28.

Advantages lost to the nation by these managements.

The property which thus changed hands was vast in amount; but that some solid advantages accrued to the nation while it remained in the possession of its original proprietors may be fairly deduced upon reasonable consideration. That the re-distribution of it placed a larger balance to the public account is not so clear.

1. In the first place, in every convent one[d] or more persons were appointed for the education of the young, who received instructions in grammar and music without charges to their parents, so that the inhabitants of the neighbourhood of these institutions were relieved of an important item in domestic expenditure. In the nunneries, also, there were afforded opportunities for the weaker sex to obtain instruction in reading and working, and also to make some improvement in Latin; and, among them, that established[e] at Godstow, in Oxfordshire, obtained a general and very high reputation for the education of gentlewomen in such sort as befitted their condition.

[d] Coll. v. 29.
[e] Coll. v. 29. & Hume, chap. xxxi. ad an. 1538.

2. To the abbeys we are indebted, moreover, for most of our historians. From the time of the Venerable Bede downwards many of our writers, upon subjects connected both with Church and State, found in them such retirement and leisure as gave opportunity for the production of the most valuable monuments of learning, and the most solid proofs of laborious research. And thus to our scholars those institutions supplied

A. D. 1546. Archbps., Thomas Cranmer, Robert Holgate.

materials suitable to their employment. Among the possessions of the abbeys, also, were laid up the most learned records of antiquity; for printing being comparatively a late invention, the bulk of learning was then contained in manuscripts, of which the most considerable were lodged in those establishments.

3. In more substantial regards the nation was not without benefit from those institutions. Their hospitality was remarkable. The gentry[f] who travelled[g] found in them both lodging and entertainment; and the gifts of charity bestowed by religious houses provided also support for the aged and impotent folk of their respective neighbourhoods. It was not until after the dissolution of the monasteries that parliament was obliged to interfere, and authorize compulsory assessments on the parishes for the relief of the poor; and this is a burden upon the country before unknown, but which has averaged of late years as much as 5,000,000*l.* per annum.

[f] Hume, chap. xxxi. ad an. 1538.
[g] Coll. v. 29.

4. Further, it is admitted on all hands that the religious were the kindest of landlords: "their reserved[h] rents were low[i], and their fines easy; and sometimes the product of the farms, without paying money, discharged the tenants in a great measure." Thus the cost of the necessaries of life was to many families proportionably light, and the country at large derived a corresponding advantage.

[h] Coll. v. 29.
[i] Hume, chap. xxxi. ad an. 1538.

5. Another assistance to the public which the abbeys afforded was, that those who held lands by knight's service[j] were bound to provide such a number of soldiers for the common defence as corresponded to the obligations attached respectively to the estates; and this was a great relief to the heirs of founders and benefactors, as the complement of men required at their musters was made up in a measure by the supplies contributed by such abbeys as had had knight's fees settled upon them. Moreover, when[k] the religious houses held lands by knight's service, they were subject to a contribution towards the dower of the lord's[l] eldest daughter, and also towards defraying the charges entailed whenever the distinction of knighthood was conferred on the founder's eldest son.

[j] Coll. v. 29.
[k] Coll. v. 30.
[l] Coll. v. 30.

6. And lastly, the religious houses lay under the obligation of corrodies[m], by which founders had the right of quartering upon them "a certain number of poor servants." So that many

[m] See Jacob's Law Dict. & Blackstone's Com. book II. c. iii. p. 40. Coll. v. 32.

worn out and indigent men had the privilege of a place of retreat in their old age, where they might spend their last days on earth in tranquillity and comfort, and, we may hope, in due preparation for heaven. And thus such persons were not compelled to sacrifice all independent self-respect by pleading for a begrudged pittance out of compulsory poor-rates, after having consumed their powers of youth and manly strength in the discharge of faithful services.

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Now when K. Henry VIII. and his courtiers, supported by the array of parliamentary force, dissolved the abbeys, all these public benefits were extinguished, as a matter of course.

Profane disposal of consecrated property.

However much individuals may have been enriched by these managements, it is by no means clear that the nation at large can reasonably feel a high regard to the memory of those who were employed in them, or persuade itself that public interests were thus promoted. Very large amounts of property, by which it is hard to conceive that no public good was done, seem to have passed into private hands upon the most slender considerations. The king himself went strange lengths in applying Church property to common, not to say profane uses, and in making from it disproportionably large acknowledgments for small favours. He took leave once to make the grant of a religious house to a person who had provided him with a dish of puddings[n] suitable to his palate; and on another occasion a large portion of the priory lands of the knights of S. John of Jerusalem were conferred on some noblemen and gentlemen who diverted his majesty at a tilting match[o]. The abbey property, too, supplied him with the means of risking high stakes upon games of chance; an application of pious gifts dedicated to God which does not carry with it any remarkable air of devotion. Many thousands a year of consecrated property were played[p] away; and as an instance that no small amounts were staked upon single throws, it may be remarked that "Jesus' bells, hanging in a steeple not far from S. Paul's, London," and renowned both for their metal and tone, were lost to Sir Miles Partridge by one cast[q] of the royal dice. This gentleman, by the way, was more fortunate in his gambling than in his political speculations, for engaging shortly after in some hazardous venture of the latter

[n] Coll. v. 32. & Hume, chap. xxxi. ad an. 1538.

[o] Coll. v. 68.

[p] Coll. v. 32.

[q] Coll. v. 32.

A. D. 1546. Archbps., Thomas Cranmer, Robert Holgate.

character, he lost his head on Tower Hill by the hands of the executioner.

"Periculosæ plenum opus aleæ[r]."

[r] Hor. Od. ii. 1. 6.

When speaking of this sacrilegious disposition of Jesus' bells, Collier takes occasion to set alongside of it the king's coronation oath from a copy taken by Selden from the Cotton Library, and interlined with K. Henry VIII.'s own handwriting; from which circumstance it may be supposed, whatever inferences to the contrary may be suggested by his proceedings, that his majesty was not unacquainted with its contents. There among other provisions we find the following:—

The king's coronation oath.

"The[rr] king shall swear that he shall keep and maintain the lawful right and the liberties of old time, granted by the righteous Christian kings of England to the holy Church of England, not prejudicial to his jurisdiction and dignity royal" .... "and he shall endeavour himself to keep unity in his clergy and temporal subjects; he shall, according to his conscience in all his judgments, minister equity, and right, and justice, and shewing where is to be shewed mercy" .... "and the evil laws and customs wholly to put out, and stedfast and stable peace to the people of his realm keep, and cause to be kept, to his power, in that which honour and equity do require."

[rr] Coll. v. 32.

It may perchance be said that the transfer of the properties of the religious was not the act of the king, but of the imperial legislature, and that enactments were obtained from time to time in that behalf. Now granting for a moment (though the fact is by no means admitted) that the religious received no rugged usage at the king's hands before his proceedings were warranted by statute, yet it may be questioned whether, if large bodies of the king's temporal subjects had thus been ejected from their estates even by parliament, such proceedings would not have been thought a surprising instance of rigour and an unwarrantable exercise of power. If the property of men guiltless of felony or treason had thus passed to the crown, whatever might have been the legality of the forms, the deprived parties would hardly have been reconciled to such usage. And though the soundest arguments against the force of laws will not prevail, they yet may have some success against the character for justice of those who make them.

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Moreover, I hope it is no improper disregard to our legislature to say, that while statutes have been enacted in this country which are not unexceptionable[1], there is a higher tribunal than ever sat at Westminster, whither, as we are taught, there is an appeal in the last resort, if not in this world, at least in the next.

Treasures of learning sacrificed by the pillage of the religious houses.

Among some of those substantial benefits to the community which appear to have been cut off by the dissolution of the religious houses, those treasures of learning contained in their libraries, which were sacrificed to the avarice or ignorance of the pillagers, have supplied a reasonable subject for doleful complaints. Those who received grants or made easy purchases of the abbey property had higher regard to money than learning, and consequently disposed of the rich stores of books in a miserable way. They appear to have been thrown into the bargain as of slender consideration, and the new owners "proved[s] a very ill protection for learning and antiquity." When the covers were rich they were pulled off and sold for a consideration: the books themselves were either cast out or converted into waste paper. So these prodigals, while they filled their bellies with the husks, were so undistinguishingly ignorant as to throw the kernels away. Many noble manuscripts and rich monuments of learning were thus destroyed—a disgrace to that age, an irreparable loss to this.

[s] Coll. v. 30.

John Bale's evidence on this subject.

John Bale[t] the centurist, who was no friend to monastic institutions, expressed himself with just indignation against such barbarous proceedings, and in course of time made a tragical relation of the matter to K. Edward VI. "Covetousness[u]," said he, "was at that time so busy about private commodity, that public wealth in that most necessary respect was not any where regarded. A number of them which purchased those superstitious mansions reserved of those library books some to serve their jakes, some to scour their candlesticks, and some to rub their boots, and some they sold to the grocers and soap sellers, and some they sent over sea to the bookbinders, not in small numbers, but at times whole ships full. Yea, the

[t] Coll. v. 31.

[u] Coll. v. 31.

[1] οὐ τοὺς κρατοῦντας χρὴ κρατεῖν ἃ μὴ χρεών.—Eurip. Hec. 282.

A.D. 1546. Archbps., Thomas Cranmer, Robert Holgate.

universities of this realm are not all clear in this detestable fact; but cursed is the belly which seeketh to be fed with such ungodly gains, and so deeply shameth his natural country. I know a merchantman (who shall at this time be nameless) that bought the contents of two noble libraries for forty shillings price, a shame it is to be spoken. This stuff hath he occupied instead of grey paper by the space of more than these ten years, and yet he hath store enough for as many years to come. A prodigious example is this, and to be abhorred of all men which love their nation as they should do. Yea, what can bring our realm to more shame and rebuke, than to have it noised abroad that we are despisers of learning. I judge this to be true, and utter it with heaviness, that neither the Britons under the Romans and Saxons, nor the English people under the Danes and Normans, had ever such damage of their learned monuments as we have seen in our time. Our posterity may well curse this wicked fact, this unreasonable spoil of England's most noble antiquities."

A defence of the spoliation of the religious houses untenable.

In defence of the destruction of so many ancient institutions dedicated originally to the service of God and the relief of the needy it has often been urged that vast abuses had crept into them; that not only had devotion there languished, but that the habits of the inmates were lax and their lives immoral. These are heavy charges; but that such narratives have been swelled beyond truth and due proportion seems highly probable, if not certain, even from the returns made by the visitors themselves. It is upon their own evidence sufficiently plain that many of the religious houses deserved exception from such sweeping charges, and that their reputation was fair. For instance, the commissioners' letters in behalf[v] of the priory of Catesby, of the nunnery[w] of Pollsworth in Warwickshire, of the priory of Woolstrop[x] in Northamptonshire, of the abbey[y] of Ramsey, as well as other communications[z] upon record, shew that some, at any rate, of these institutions were governed "by unexceptionable[a] persons;" that the inmates were "remarkable[b] for a regular life;" their "revenues managed to advantage[c];" and their reputation great for "hospitality[d] and relieving the poor." So that the quality of that mercy must be somewhat strained, which shewed no

[v] Coll. Eccl. Hist. v. 2, ex Cleop. E. iv. 209. Cott. Lib.
[w] Ibid. 210.
[x] Ibid. 214.
[y] Ibid. 294.
[z] Coll. v. 3. 4. 6.
[a] Coll. v. 3.
[b] Coll. v. 4.
[c] Coll. v. 3.
[d] Coll. v. 3.

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consideration for the good while applying correction to the bad. "By the evidence of records," says[e] Collier, "there were many more righteous monasteries in England than righteous men in Sodom. However this overbalance of merit could not divert the calamity, nor preserve them from ruin. Thus we see how much the mercies of God are greater than those of men! Justice below is sometimes blind upon mysterious motives, strikes without destruction, and sweeps away the innocent with the guilty."

[e] Eccl. Hist. vol. v. p. 19.

Even if all the religious houses were of ill repute, which is not admitted (for no unprejudiced person who takes pains to investigate the subject, or even to balance probabilities, can believe it), even then it is somewhat unintelligible why those costly fabrics and extensive revenues, with their valuable property, originally devoted to God's glory and the public good, should have been sacrificed for the enrichment of private individuals, rather than restored to the original objects of their endowment. If the "rust had been rubbed off and the metal left behind," if abuses had been rectified and the revenues left intact, if superstition had been cleared away and religion raised to the primitive standard, if ungodliness and ill-behaviour had been removed and faith and morals mended, then such managements would have borne upon the face a brighter character of sincerity, carried with them an appearance of purer devotion, and evinced more certainly a laudable desire for true reformation.

The transfer of titles to property from public bodies to private persons, and that for no valuable consideration, bears a suspicious character upon the very face of the deed. It is, as was said, pretty clear that the behaviour of the religious was not so exceptionable as has been sometimes represented; but even if they did not live up to their obligations it is by no means plain that other men were warranted in seizing their estates. For if disorderly behaviour was a lawful reason for the transfer of houses and lands, titles to property in England would become exceedingly precarious; and some persons of fashion and figure would find that they held under very slender tenures. Nor does it seem that their possessions would be more safely secured if it should appear that in any particular instances the property consisted of abbey lands.

A.D. 1546. Archbps., Thomas Cranmer, Robert Holgate.

But even supposing the character of these institutions to have been so shocking that it was incompatible with the character of a Christian country to allow them any longer to exist, that their example was so foul as to demoralize the whole nation and bring all the rules of religion and the laws of God into contempt,—if these establishments had even thus widely missed the end and aim of their original institution, so that it was absolutely necessary to suppress them, still it strains an ordinary capacity to see how the public weal was advanced by making grants of their property to court favourites, or staking it upon the throws of dice. There are public objects conferring more general and lasting benefits on mankind to which one would think the buildings and revenues might have been applied. Allowing for argument's sake that it was desirable forcibly to change the whole character of the institutions, yet seminaries for youth, hospitals for the sick, colleges for orphans and widows, almshouses for the poor, homes for the unfortunate, asylums for the aged, all these are objects which claim the attention of public benefactors. Property so disposed of would have in some measure diminished any regrets felt for the loss of older institutions. Somewhat would have been set to the public account, and the purity of intention would have been less problematical.

However, when public acts affecting the common weal are managed by public men, it is an ungracious and, it is admitted, a dangerous proceeding to impugn motives or doubt sincerity. It is easy to attribute ill designs and suggest suspicions of private interest. Actions of the most single-minded patriots, and conduct arising from the purest intentions, have been thus misrepresented. To interpret men's acts to the fairer sense is the safest course, and it is well, upon some occasions, to charge our ill opinions of others upon our own incapacity or misapprehension.

Collier's suggestion on this subject.

"I do not deny," says Collier[f], "but that there might be sincerity at the bottom, and that the courtiers might be governed by good meaning and public regards. All that I say is, the disinterestedness of the matter doth not lie so open to common view; but then we are to consider that the inside of some things is sometimes the most valuable. Some people's actions, like

[f] Eccl. Hist. vol. v. p. 22.

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rich mines, are less promising upon the surface, and when it happens thus, every body hath not force enough to dig down to the treasure, and reach the honesty of his neighbour's intentions. However, it must be confessed there were several shocking circumstances in the reign of Henry VIII. and his children. For to see churches pulled down or rifled, the plate swept off the altar, and the holy furniture converted to common use, had no great air of devotion. To see the choir undressed to make the drawing-room and bed-chamber fine was not very primitive at first view. The forced surrender of the abbeys, the maiming of the bishoprics and lopping the best branches of their revenues, the stopping impropriated tithes from passing in the ancient channel, these things are apt to puzzle a vulgar capacity: unless a man's understanding is more than ordinarily improved, he will be at a loss to reconcile these measures with Christian maxims, and make them fall in with conscience and true reformation!"

XVIII. Reduction in the number of the members of our provincial synods by the dissolution of the religious houses.

It has been thought right to dwell thus at some length upon the dissolution of the abbeys and monasteries as being a subject intimately connected with our present inquiry. For from this act a diminution in the number of the members of our provincial synods ensued. Those assemblies, before composed of bishops, abbots, priors, deans, archdeacons, capitular and clergy proctors, were now reduced, with but inconsiderable exceptions, to the standard which now prevails, viz. bishops, deans, archdeacons, capitular and clergy proctors.

Reduction also of members in the House of Lords.

It is worthy of remark that by these events the House of Lords was also diminished in numbers, not indeed to such an extent as the houses of convocation, but still materially. Thus an important change passed not only on the ecclesiastical synods of England, but upon the upper house of the imperial legislature, which was reduced by the number of mitred abbots and priors who previously held "per baroniam," and enjoyed[g] seats in that assembly. The members lost to the House of Lords are reckoned as twenty-seven[h] by Fuller, twenty-eight by the Lord Herbert, and twenty-nine by Sir Edward Coke.

[g] Coll. v. 17.

[h] Coll. v. 27.

A. D. 1546. Archbps., Thomas Cranmer, Robert Holgate.

Reduction in the provincial synods greater.

The loss sustained by the convocations in consequence of the dissolution of the religious houses was greater than by the House of Lords, and its amount may be discovered at a glance by a comparison of the lists of members previous to the dissolution, before given[i], with the lists here appended, which contain the numbers eventually left. The number of the members of the convocations in the present day is nearly the same as that contained in the documents quoted below, with this exception, that the two additional bishopries, Ripon and Manchester, connected with the province of York, have added to the members of that synod; and that some instances of change have elsewhere occurred, consequent upon fresh arrangements in the ecclesiastical divisions of our country, as in the case of the union of the sees of Gloucester and Bristol.

[i] See chap. ix. sec. 6.

In order not to break in upon the continuity of the text, notes are here appended giving the constituent members of the two convocations as they existed subsequently to the dissolution of the monasteries. An inconsiderable number of abbacies escaped for a season the general wreck, but this remnant was so small as to be hardly worth consideration; and whether or not those who held the dignities still appeared in our synods is not clear. A detailed account, however, of the members of the Canterbury Synod, which assembled April 14, 1640, is given in Nalson's Collections[j], and a list of the lower house of that renowned convocation which met in 1661 for the purpose of authorizing our present liturgy is still preserved in Kennett's register[k]; and from these documents coupled together we may derive a sufficiently accurate account of the constitution of the Canterbury Convocation subsequently to the dissolution of the monasteries.

[j] Vol. i. pp. 351—355.

[k] p. 434.

Canterbury, list of members

It appears that the Canterbury provincial Synod[2], at the periods alluded to in the docu-

[2] LIST OF MEMBERS IN THE CANT. PROV. SYNOD AFTER DISSOLUTION OF ABBEYS.

Archbishop of Canterbury.	Bishop of Exeter.
Bishop of London.	Bishop of Norwich.
Bishop of Winchester.	Bishop of S. Asaph.
Bishop of Worcester.	Bishop of Bath and Wells.
Bishop of Salisbury.	Bishop of Oxford.
Bishop of Lichfield and Coventry.	Bishop of Hereford.
Bishop of Gloucester.	Bishop of Ely. [Bishop of S. David's.

subsequent to the dissolution of religious houses.

ments above mentioned, consisted of the following members, viz.:—

A. D. 1546. K. Henry VIII.

Archbishop of Canterbury	1
Bishops	21
Deans	23
Precentor of S. David's	1
Commendatory for Llandaff Chapter	1
Archdeacons	53
Capitular Proctors	24
Clergy Proctors	44
Total Provincial Synod of Canterbury	168

MEMBERS IN CANT. PROV. SYNOD AFTER DISSOLUTION OF ABBEYS—*continued.*

Bishop of S. David's.
Bishop of Bristol.
Bishop of Bangor.
Bishop of Rochester.
Bishop of Chichester.
Bishop of Peterborough.
Bishop of Llandaff.
Bishop of Lincoln.

Dioc. Cant. — Canterbury.

Dean of Canterbury.
Proctor for the chapter.
Archdeacon.
Proctors for the clergy.

Dioc. London. — London.

Dean of S. Paul's.
Proctor for the chapter.
Archdeacon of London.
Archdeacon of Essex.
Archdeacon of Middlesex.
Archdeacon of Colchester.
Archdeacon of S. Alban's.
Proctors for the clergy.
College of Westminster.
Dean of Westminster.
Proctor for the chapter.
Archdeacon of Westminster.

Dioc. Winton. — Winchester.

Dean of Winchester.
Proctor for the chapter.
Archdeacon of Winchester.
Archdeacon of Surrey.
Proctors for the clergy.

Dioc. Ely. — Ely.

Dean of Ely.
Proctor for the chapter.
Archdeacon of Ely.
Proctors for the clergy.

Dioc. Bath and Wells. — Bath and Wells.

Dean of Wells.
Proctor for the chapter.
Archdeacon of Wells.
Archdeacon of Bath.
Archdeacon of Taunton.
Proctors for the clergy.

Dioc. Bangor. — Bangor.

Dean of Bangor.
Proctor for the chapter.
Archdeacon of Bangor.
Archdeacon of Anglesey.
Archdeacon of Merioneth.
Proctors for the clergy.

Dioc. Oxon. — Oxford.

Dean of Christ Church.
Proctor for the chapter.
Archdeacon of Oxford.
Proctors for the clergy.

[*Dioc. Rochester.*

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In a former chapter[1] we have seen that the numbers of the whole provincial synod of Canterbury (allowing thirteen members for the diocese of Llandaff, omitted by some mistake from the records) amounted before the dissolution of the abbeys to 440. That proceeding appears to have reduced

[1] Vid. sup. chap. ix. sec. 6.

MEMBERS IN CANT. PROV. SYNOD AFTER DISSOLUTION OF ABBEYS—*continued.*

Rochester.	*Dioc. Rochester.*	
	Dean of Rochester.	Archdeacon of Rochester.
	Proctor for the chapter.	Proctors for the clergy.
Chichester.	*Dioc. Chichester.*	
	Dean of Chichester.	Archdeacon of Chichester.
	Proctor for the chapter.	Proctors for the clergy.
	Archdeacon of Lewes.	
Salisbury.	*Dioc. Salisbury.*	
	Dean of Salisbury.	Archdeacon of Sarum.
	Proctor for the chapter.	Archdeacon of Wilts.
	Archdeacon of Berks.	Proctors for the clergy.
Lincoln.	*Dioc. Lincoln.*	
	Dean of Lincoln.	Archdeacon of Stowe.
	Proctor for the chapter.	Archdeacon of Bedford.
	Archdeacon of Lincoln.	Archdeacon of Leicester.
	Archdeacon of Bucks.	Proctors for the clergy.
	Archdeacon of Huntingdon.	
S. Asaph.	*Dioc. S. Asaph.*	
	Dean of S. Asaph.	Archdeacon of S. Asaph.
	Proctor for the chapter.	Proctors for the clergy.
S. David's.	*Dioc. S. David's.*	
	Precentor of S. David's.	Archdeacon of S. David's.
	Proctor for the chapter.	Archdeacon of Cardigan.
	Archdeacon of Brecon.	Proctors for the clergy.
	Archdeacon of Caermarthen.	
Llandaff.	*Dioc. Llandaff.*	
	The Commendatory of the Archdeacon, [? Dean] and chapter.	Proctor for the chapter.
	Archdeacon of Llandaff.	Proctors for the clergy.
Exeter.	*Dioc. Exeter.*	
	Dean of Exeter.	Archdeacon of Totness.
	Proctor for the chapter.	Archdeacon of Barnstaple.
	Archdeacon of Exeter.	Proctors for the clergy.
	Archdeacon of Cornwall.	
Peterborough.	*Dioc. Peterborough.*	
	Dean of Peterborough.	Archdeacon of Northampton.
	Proctor for the chapter.	Proctors for the clergy.

[*Dioc. Norwich.*

them to 168. The southern synod was therefore diminished by 272 members. A.D. 1546. K. Henry VIII.

York, list of members subsequent to the dissolution of religious houses.

The reduction of numbers in the northern synod was also considerable. It was shewn above [m] that previously to the dissolution of the

[m] Vid. sup. chap. ix. sec. 6.

MEMBERS IN CANT. PROV. SYNOD AFTER DISSOLUTION OF ABBEYS—*continued.*

Dioc. Norwich. — Norwich.

Dean of Norwich.	Archdeacon of Sudbury.
Proctor for the chapter.	Archdeacon of Suffolk.
Archdeacon of Norwich.	Proctors for the clergy.
Archdeacon of Norfolk.	

Dioc. Bristol. — Bristol.

Dean of Bristol.	Archdeacon of Dorset.
Proctor for the chapter.	Proctors for the clergy.

Dioc. Hereford. — Hereford.

Dean of Hereford.	Archdeacon of Salop.
Proctor for the chapter.	Proctors for the clergy.
Archdeacon of Hereford.	

Dioc. Gloucester. — Gloucester.

Dean of Gloucester.	Archdeacon of Gloucester.
Proctor for the chapter.	Proctors for the clergy.

Dioc. Lichfield and Coventry. — Lichfield and Coventry.

Dean of Lichfield.	Archdeacon of Stafford.
Proctor for the chapter.	Archdeacon of Shrewsbury.
Archdeacon of Coventry.	Proctors for the clergy.
Archdeacon of Derby.	

Dioc. Worcester. — Worcester.

Dean of Worcester.	Archdeacon of Worcester.
Proctor for the chapter.	Proctors for the clergy.

Wolverhampton. — Coll. Ch. of Wolverhampton.

Dean of collegiate church.	Proctor for the chapter.

Windsor. — Chapel of Windsor.

Dean of Windsor*.

* See Nalson's Collections, vol. i. pp. 351-5, and Kennett's Register and Chronicle, pp. 480-2. Nalson gives the list of members who assembled April 14, 1640. The document transcribed by Kennett was printed by Nathaniel Brook in one large sheet, as "A catalogue of the prelates and clergy of the province of Canterbury in the lower house of convocation now sitting at Westminster, Monday, June 24, 1661" (see Kennett's Register, p. 434). But it is observable in the list given by Kennett that Worcester diocese (in error), Wolverhampton, and Windsor are omitted, though a proctor for the Wolverhampton chapter, and the Dean of Windsor, are mentioned as members of convocation by Wilkins in his day, A.D. 1737. Vid. Epist. Dissert. p. xv.

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religious houses the whole provincial Synod of York contained 96 members, but upon a perusal of the list given in the note[3] it will appear that the assembly, subsequently to that event, consisted only of the following, viz. :—

Archbishop of York	1
Bishops	3
Deans	4
Archdeacons	9
Capitular Proctors [York 2]	7
Clergy Proctors	31
	55

Thus the northern synod was reduced from 96 to 55, that is, by 41 members.

While the nefarious and sacrilegious proceedings of K. Henry VIII. deprived the southern synod of 272, and the northern of 41 members, the upper house of the impe-

[3] LIST OF MEMBERS IN THE YORK PROV. SYNOD AFTER DISSOLUTION OF ABBEYS.

"In convocatione, A.D. MDCXXVIII., Maii 20 :"—

Dominus Archiepiscopus Ebor.
Episcopus Dunelm.
Episcopus Carliol.
Episcopus Cestriens.
Decanus Ebor.
Decanus Dunelm.
Decanus Carliol.
Decanus Cestriæ.
Archidiaconus Ebor.
Archidiaconus Eastriding.
Archidiaconus Cleaveland.
Archidiaconus Nottingham.
Archidiaconus Dunelm.
Archidiaconus Northumbriæ.
Archidiaconus Carliol.
Archidiaconus Cestriæ.
Archidiaconus Richmond.
Capitulum Ebor.
Capitulum Dunelm.
Capitulum Carliol.
Capitulum Cestriens.
Capitulum Southwell.
Capitulum Rippon.
Clerus Archid. Ebor.
Clerus Archid. Nottingham.
Clerus Archid. Eastriding.
Clerus Archid. Cleaveland.
Clerus Archid. Dunelm.
Clerus Archid. Northumbriæ.
Clerus Archid. Carliol.
Clerus Archid. Cestriæ.
Clerus Archid. Richmond.
Clerus jurisdictionis decani et cap. Ebor.
Clerus jurisdict. capituli de Southwell.
Custos jurisdict. peculiaritatis de Howden.
Custos jurisdict. peculiar. de Allerton, &c., spect. ad episcopum Dunelm.
Custos jurisdict. peculiar. de Allerton, &c., spect. ad decanum et capit. Dunelm.
Clerus jurisdictionis pecul. de Howden.
Clerus jurisdictionis pecul. de Allerton episcopi Dunelm.
Clerus jurisdictionis pecul. de Allerton decani et capituli Dunelm.

Ex dissertatione Davidis Wilkins de veteri et modernâ synodi Anglicanæ constitutione, p. xvii.

rial legislature was also diminished, as remarked before[n], by nearly 30 members, so that the civil as well as the ecclesiastical assemblies of our country felt the effects of those disgraceful acts of tyranny and spoliation.

A. D. 1547. K. Henry VIII.

[n] Vid. sup. p. 449.

XIX. A.D. 1547 N.S. The two provincial synods meet in January —Death of K. Henry VIII.—Accession of K. Edward VI.

We now pass on to the year 1547, and we shall find during its course the provincial Synod of Canterbury busily and successfully employed in advancing the reformation of the English Church.

The convocations of both[o] provinces had been prorogued to the same day, Jan. 15 (1547 N.S.). No business of importance however as transacted at that time appears upon record. The dangerous illness of K. Henry VIII. now foretold his speedy end; and on the night[oo] of the 28th of January he breathed his last, leaving his only son K. Edward VI. at the age of nine years three months and sixteen days[p] the heir of his father's crown, but happily not of his character. The late king had by his will appointed sixteen executors for the[q] management of state affairs, and to these were added a council of twelve, whose duty was to assist with their advice. But these gentlemen, having been many of them[r] raised from inferior positions, as they were needed by their late master to promote unworthy designs, had neither[s] hereditary influence nor proper qualifications sufficient for the direction and management of the great affairs of this nation.

[o] Conc. Mag. Brit. iv. I. 3.

[oo] Hume, chap. xxxiii. p. 350.

[p] Heylin's Hist. of Ref. p. 1.

[q] Hume, chap. xxxiv. p. 354.

[r] Ibid.

[s] Ibid.

The Protector Somerset.

Thus they were more readily induced to choose a protector; and this appointment was conferred upon the Earl of Hertford, shortly[t] afterwards created Duke of Somerset. He was uncle of the young king, and though by this relationship a suitable person for the high office to which he was called, yet his subsequent proceedings reflect little credit on his royal connexion, that is, if self-enrichment by sacrilegious means is considered to cast any stain on political character. Fuller indeed tells us that "the Duke of Somerset was religious, a lover of all such as were so, and a great promoter of the reformation." However, in another place that author says, "he built Somerset House, where many like the workmanship better than either the foundation or materials thereof. For the houses of three bishops—Llandaff, Coventry and Lichfield, and Worcester—with the

[t] Feb. 17.

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church of S. Mary-the-Strand, were pluckt down to make room for it. The stones and timber were fetcht from the hospital of S. John [u]."

Now with all due regard to Mr. Fuller's powers of reasoning, it is not altogether clear that these sacrilegious removals of bishops' residences, the demolition of a church, and the destruction of a hospital, discover any excessive strains of devotion, shew a distinguishing love for the religious, or prove the author of such proceedings to have been a disinterested promoter of true reformation. This nobleman, moreover, unless he had been diverted from his purpose [v] by timely gifts of land, would have swept away Westminster Abbey, and in that case posterity would have been furnished with a still more sensible and lamentable proof of his reforming zeal.

[u] Fuller, Ch. Hist. Cent. XVI. book vii. p. 410.

[v] Hallam, cited in Coll. Hist. vol. v. p. 523, note, ed. 1840.

The practices of that nobleman and his associates in spiritual matters.

The protector and his colleagues during the early part of the young king's reign issued in the royal name commissions [w], injunctions [x], letters [y], mandates [z], proclamations [a], and other instruments which affect very excessive strains of ecclesiastical jurisdiction. These gentlemen in such matters assumed greater powers than, according to the just interpretation of the English constitution, appertain even to the crown itself. The late king had not been backward in his assertions of prerogative; but his executors and the assistant council advanced several steps beyond their late master; and especially in the commission vouchsafed to the Archbishop of Canterbury, authorizing him to discharge [b] functions which were already inherent in his office, they arrogate powers so surprising as to lead to the belief that they held very undistinguishing and confused ideas upon the difference between spiritual and civil jurisdiction. They were persons, moreover, who displayed a singular anxiety for retaining all that they had acquired by sacrilegious spoliation in the preceding reign, and evidently hoped by their peculiar managements to [c] add more to their store. As children of this world they were more than commonly wise in their generation. But the use which they made of the prerogative of the crown, and the extent to which they strained that prerogative, were the less warranted from the extreme youth of the king. Those high powers and solemn responsibilities which are entailed upon the anointed kings of

[w] Conc. Mag. Brit. iv. 2.
[x] Conc. Mag. Brit. iv. 3. 9. 29.
[y] Conc. Mag. Brit. iv. 10. 17. 27. 31.
[z] Conc. Mag. Brit. iv. 17.
[a] Conc. Mag. Brit. iv. 30.

[b] Conc. Mag. Brit. iv. 2.

[c] Hume, chap. xxxiv. p. 355.

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England can very hardly be thus exercised and fulfilled by deputy. The personal and individual authority of the monarch (notwithstanding a prevailing desire in ministers to usurp that authority) seems no more than needful for the just and proper discharge of such high functions. And as the infant now upon the throne had not arrived at the age of ten years, it is a stretch of the imagination "to suppose him a judge in controversy [d] thus early, and make him say he knew what was fit to be done." Upon a calm review of the proceedings of that time it is hard to believe, as has been observed, "that [e] a prince so much within his childhood should be furnished with learning and grown up to that maturity of judgment, as to be in a condition to pronounce upon articles of faith and to settle the discipline and worship of the Church. This is a performance which requires a very penetrating and enlightened understanding. To determine these points, all the advantages of age and improvement are no more than necessary."

[d] Coll. v. 256.

[e] Coll. v. 254.

Homilies published.

But—to proceed to matters more intimately connected with our subject—we must trace that part which the convocations took in the advancement of the reformation.

In order to [f] direct the teaching inculcated in sermons, twelve homilies were now published. These homilies had been composed five years before [g], in 1542 N.S., and in the following year [h] were brought [i] into the synod. Never however having been authorized by the late king, they had lain by; but now receiving that last imprimatur, the royal ratification, by which they obtained the authority of the State as well as of the Church, they were published. It is admitted that notwithstanding we find these homilies introduced into the convocation in 1542 N.S., there is no record of their having been formally passed there, though it seems that Cranmer [j] was satisfied at the time of their authority. At any rate, if a deficiency in this respect now existed, it was fully made up afterwards when they were ratified by the convocation of [k] 1553 N.S., and enjoined with twenty-one more by the synod of 1563 N.S., thus making up the thirty-three homilies now received by the Church, and authorized by the thirty-fifth of our present articles.

[f] Hume, chap. xxxiv. p. 356.

[g] Att. Rights, p. 195.

[h] Vid. sup. p. 411. & Conc. Mag. Brit. iii. 863.

[i] Feb. 16, 1543 N.S.

[j] Att. Rights, p. 196.

[k] Art. 34.

XX. The two provincial synods

The first parliament of K. Edward VI. met Nov. 4, 1547 [l]. The Convocations of Canter-

[l] Hume, chap. xxxiv. p. 359. & Stat. at large in loc.

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meet in November, 1547.

bury [m] and York [n] assembled on the following day—that being then as now the usual practice.

To the convocation of the Canterbury province now convened especial regard is due, because to it we owe the synodical re-establishment of the communion in both kinds;—that sacred inheritance of the Church bequeathed by her Lord, but of which she had for some time been deprived by the corruption of Roman error. The compulsory cœlibacy of the clergy was also discharged by this synod.

Canterbury.

On [o] the 5th of November the southern [p] synod assembled at S. Paul's. The authorized religious [q] ceremonies having been concluded, and the usual formal [r] documents produced, John Taylour, dean of Lincoln [s], was elected prolocutor of the lower house by universal consent [t]. At the opening of this convocation, according to custom, Archbishop Cranmer [u] addressed the assembly on subjects connected with the business which would be brought under their notice. He reminded the clergy that it was their duty to abide closely [v] by the rule of Holy Scripture, to promote the cause of true reformation, and to divest the Church of such remains of error as were inconsistent with primitive usage. Some of the clergy, however, were under apprehension [w] lest the act of the six articles [x], that cruel enactment of parliament denominated the whip with six strings, should be applied if they punctually discharged their duty. But these fears were removed, Cranmer prevailing with K. Edward to release the penalties of that statute, and thus the synod was enabled to enter freely and fearlessly into the needful debates.

In [y] the second [z] session Dr. Taylour the prolocutor was presented [a] to the archbishop.

Four petitions put up.

In [b] the third [c] session [d] four petitions of an important character were agreed upon in the lower house, and it was decided that these should be carried up by the prolocutor to the archbishop. They were to this effect:—

1. That [e] provision be made that the ecclesiastical laws may be examined and promulged according to that statute of parliament in the 35th year of K. Hen. VIII.

2. That for certain urgent causes the convocation of this clergy may be taken and chosen into the lower house of parliament, as anciently it was wont to be.

[m] Conc. Mag. Brit. iv. 15.
[n] Conc. Mag. Brit. iv. 26.
[o] Sess. 1.
[p] Conc. Mag. Brit. iv. 15.
[q] Conc. Mag. Brit. iv. 15.
[r] Conc. Mag. Brit. iv. 15.
[s] Att. Rights, p. 196.
[t] Strype's Cranmer, p. 155.
[u] Warner, ii. 249.
[v] Coll. v. 220.
[w] Ibid.
[x] 31 Hen. VIII. c. 14.
[y] Sess. 2.
[z] Nov. 18.
[a] Strype's Cranmer, p. 155.
[b] Sess. 3.
[c] Nov. 22.
[d] Strype's Cranmer, p. 155.
[e] Conc. Mag. Brit. iv. 15. & Strype's Cranmer, p. 155. & Coll. v. 220, 221.

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3. That the works of the bishops and others, who, *by the command*[f] *of the convocation*, have laboured in examining, reforming, and publishing the Divine Service, may be produced and laid before the examination of this house.

[f] Vid. sup. this chap. p. 412, ad an. 1543 N. S. & Conc. Mag. Brit. iii. 863.

4. That the rigour of the statute of paying the king the first-fruits may be somewhat moderated in certain urgent clauses, and may be reformed if possible.

As regards these four petitions, the *first* refers to the publication of that book which was afterwards printed under the title "Reformatio legum Ecclesiasticarum," and of which[g] notice has been taken above.

[g] Supra, pp. 375-76.

As regards the *second* petition, the clergy insist on the due execution[h] of the "præmunientes clause" in the bishops' summons to parliament, by which chosen representatives of the clerical order (as we[i] have seen above) had a constitutional right at that time, a right still in our own time remaining, to be summoned to parliament and to take their places in the House of Commons at least as spiritual advisers. But if this request were not granted, the lower house of convocation desired that no[j] statutes or ordinances which should be made "concerning matters of religion and causes ecclesiastical may pass without the sight and assent of the said clergy."

[h] Coll. Eccl. Hist. vol. v. p. 221.

[i] Vid. sup. chap. ix. pp. 272 & seq.

[j] Coll. v. 221. & Conc. Mag. Brit. iv. 15.

Now this does not seem an[k] unreasonable request, or one unsuitable to any period of our history. For if the constitutional right of sitting as spiritual advisers in the House of Commons upon due application should be denied to the parliamentary[kk] representatives of the clergy, it would seem an unwarrantable strain of rigour to deprive their convocational representatives also of the divine right of supervising matters spiritual in their proper synods. Even if it appears a warrantable stroke of sound policy to cancel the rights of the clergy as subjects of the realm, it is certainly a less pardonable exercise of power to annihilate an important part of their proper functions as ministers of Christ. It is hard to perceive, at any rate, how either proceeding can tend to serve the cause of constitutional law, or strengthen the foundations of spiritual religion.

[k] See Records, No. 56. Coll. vol. ix.

[kk] Sup. ch. ix. pp. 272—281.

As regards the clergy's *third* petition, respecting the labour of those bishops who had been engaged in reforming the offices of Divine Service, it may be observed that this is a very

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important record, as shewing that that work had been done by *the command*[4] *of convocation*. Indeed, this doubtless refers to the arrangements which had been made in the convocation held[l] at the beginning of the year 1543; but of this more hereafter[m], when we come to consider the first Prayer Book of K. Edward VI.'s reign.

l Vid. sup. p. 412. & Conc. Mag. Brit. iii. 863.

m Vid. infra, sec. xxii.

As regards their *fourth* petition, since it simply involves a question of money payments, we may pass by that matter, considering that others of a spiritual character and of much greater importance are pressing on our notice. It may, however, be observed by the way that the first-fruits of benefices, the subject of this petition, were by the pious bounty of good Queen Anne subsequently restored to the uses of the Church, and now form part of that fund which is devoted to the erection and reparation of glebe-houses in England.

n Sess. 4.

Of the fourth session of this convocation[n] no records remain.

o Strype's Life of Cranmer, p. 155.

Restoration of communion in both kinds by synodical sanction.

In the fifth[o] session, however, held on the 30th of November, a matter of the highest and most solemn[5] interest to the English Church—the restoration[p] of the communion in both kinds—was introduced into the synod. "This[q] day Mr. Prolocutor exhibited and caused to be read publicly a form of a certain ordinance, delivered by the most reverend the Archbishop of Canterbury, for the receiving of the body of our Lord under both kinds, viz. bread and wine. To which he himself subscribed and some others, viz. Mr. Prolocutor, Mr. Cranmer, archdeacon of Canterbury, Mr. May, Mr. Jenyngs, Mr. Williams, Wilson, Carleton, &c."

p Conc. Mag. Brit. iv. 16.

q Strype's Cranmer, p. 155.

r Sess. 6.

And[r] in the following session, held Dec. 2, a synodical decree on this most important point was carried without a dissentient voice. "This[s] session, all this whole session[t], in number sixty-four, by their mouths did approve the proposition made in the last session, of taking the Lord's body in both kinds, 'nullo reclamante.'"

s Sess. 6, Dec. 2.

t Strype's Cranmer, p. 156. Conc. Mag. Brit. iv. 16. Coll. Eccl. Hist. v. 220. 224.

[4] "Item ut opera episcoporum et aliorum, qui alias, ex mandato convocationis servitio divino examinando, reformando, et edendo invigilarunt, proferantur, et hujus domûs examinationem subeant."—Conc. Mag. Brit. iv. 15.

[5] Some larger account of this memorable convocation may be read in Bishop Stillingfleet's Irenicum, pp. 397—402, and Strype's Cranmer, pp. 155-7.

Other business.

A committee[6] was also appointed[u] to draw up the form of an act of parliament for the payment of tithes in London.

In[v] the seventh[w] session, held Dec. 9, another committee[7] was appointed on the subject of the second and fourth petitions carried up in the third session to the upper house. And two gentlemen[8] were nominated to accompany the prolocutor on an interview with the archbishop, "to[x] know a determinate answer what indemnity and impunity this house shall have to treat of matters of religion, in cases forbidden by the statutes of this realm to treat in."

Compulsory cœlibacy of the clergy discharged by the synod.

The eighth[y] and last session was held on the 17th of December, and here again an important synodical decision was decreed. Not one, indeed, so deeply affecting the sacred mysteries of the Church of Christ as that determined upon in the sixth session, but still one which cast off a badge of corruption imposed by Roman usurpation, and during the reformation in the Church of England borne by her even up to this time. "This[z] day was exhibited a certain proposition under these words: viz. That all such canons, laws, statutes, decrees, usages, and customs heretofore made, had, or used, that forbid any person to contract matrimony, or condemn matrimony already contracted by any person for any vow or promise of priesthood, chastity, or widowhood, shall from henceforth cease, be utterly void, and of none effect." To which proposition many subscribed partly in the affirmative, partly in the negative; fifty-three members appearing in favour of it, and twenty-two against it.

Thus was the compulsory imposition of cœlibacy on the clergy synodically discharged by a majority composed of more than two-thirds of the whole number voting. And that this decision was considered as authoritative "in foro conscientiæ," even by some of those who opposed it by their voices, we may gather from the fact that several[9] members whose votes

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[u] Strype's Cranmer, p. 156. Conc. Mag. Brit. iv. 16.

[v] Sess. 7.

[w] Conc. Mag. Brit. iv. 16. Strype's Cranmer, p. 156.

[x] Strype's Cranmer, p. 156.

[y] Sess. 8.

[z] Strype's Cranmer, p. 156. Conc. Mag. Brit. iv. 16. Coll. Eccl. Hist. vol. v. p. 224.

[6] Mr. Draycot, Bellasis, Dakins, Jeffrey, Ellyce ap Rice, Oking *, Pool, and ap Harry.

[7] Mr. Rowland Merick, John ap Harry, John Williams, and Dr. †Eliseus Price.

[8] Dean of Winchester and Mr. Draycot.

[9] Dr. Oken, Mr. Rayner, Mr. Wilson, &c.—Strype's Cranmer, p. 157.

* ? Oken.

† ? Ellyce ap Rice.

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were now on the negative side subsequently considered themselves justified in entering upon the holy state of matrimony.

Dr. Redmayn's opinion on this subject.

It may also be remarked by the way that Dr. John Redmayn, a very learned divine, and one of great credit for ability in deciding questions of conscience, having been absent from this session of convocation, was subsequently desired to declare his sense on the point decided as above in the synod. His opinion[a] he gave in writing to the following effect. The word of God counselled priests to live unmarried, yet the positive restraint on their matrimony depended only upon ecclesiastical canons; he thought that the priests in the Church of England were bound by no vow on the subject; and that since canons on such a subject were neither universal or everlasting, but might be altered upon consideration, "therefore the king's majesty and the *higher powers of the Church* may, upon such reasons as shall move them, take away the clog of perpetual continency from the priests." From which opinion, as it respected the higher powers of the Church, we may gather that that learned man paid greater deference to the authority of our provincial synods than some persons of the present day.

[a] Strype's Cranmer, p. 157. Conc. Mag. Brit. iv. 16, 17.

The foregoing synodical decisions passed into acts of parliament.

Now here we are to consider that this provincial synod had decided upon two most important points. The importance of the first, indeed, which authorized the restoration of the cup to the laity in the holy communion, as affecting the highest mystery of the Christian religion, cannot be overrated, and is a matter of equal, perhaps of greater, consideration than the synodical discharge of the papal supremacy[b] in 1534.

[b] Vid. sup. p. 351.

The second decision referred to, which allowed the clergy to marry, though a matter of far inferior consequence, still effected a considerable change in the discipline of the English Church. Both these decisions were subsequently ratified by the civil legislature, and were the footstones upon which two acts of parliament were afterwards built: one entitled "an act[c] against such as shall unreverently speak against the sacrament of the altar and of the receiving thereof under both kinds," the other entitled "an act[d] to take away all positive laws made against marriage of priests." It may be observed that this last

[c] 1 Edw. VI. c. 1. [d] 2 & 3 Edw. VI. c. 21. & see Warner, ii. 270.

act did not follow, as in the former case, immediately upon this decision of convocation. The cause was this: after the determination respecting the marriage of the clergy was arrived at in the synod, a bill on the subject was forthwith brought into parliament. It was[e] read thrice in the commons, and agreed to. Thence it was sent up to the lords; but as their session ended within a few days after the matter[f] came before them, it lay unfinished. In the following year therefore, 1548, the synodical decision, not having yet obtained the force of statute law, was again "debated earnestly and thoroughly sifted in the convocation[g]." On this occasion a greater number of the lower house voted for the relaxation of the cœlibacy of the clergy than before. The former[h] number of fifty-three supporters of the measure now[i] increased to seventy, and most of the bishops in the upper house also subscribed[j] a document in favour of annulling the restraint. Upon this second synodical decision the statute above referred to was enacted[k].

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[e] Strype's Mem. vol. ii. p. 134.

[f] Ibid.

[g] Strype's Mem. vol. ii. p. 134.

[h] Vid. sup. p. 401.

[i] Strype's Mem. vol. ii. p. 134.

[j] Ibid.

[k] 2 & 3 Edw. VI. c. 21.

In reference to this act of parliament[l], and its successor on the same subject[m], Collier thinks it right to be somewhat pleasant. While generally commending the object of the statutes, his view seems to be that it was, to say the least, an odd management on the part of the parliament to dispossess the clergy of a great part of their incomes and then to legalize an increase in their expenditure. "When[n] the tithes," he says, "were taken away in many places, and the parish duties lessened, they had the freedom of engaging in a more expensive way of living: when the revenues were cut short, it was at their choice to increase their charge. They had an opportunity of wanting more things when the means of procuring them were more slender than ever. Thus they had liberty without much property. They might if they pleased be legally undone, and starve by act of parliament."

[l] 2 & 3 Edw. VI. c. 21.

[m] 5 & 6 Edw. VI. c. 12.

[n] Coll. v. 473.

However, in these two instances of legislation respecting the "holy communion," and "the marriage of the clergy," we see again the ancient principles of the British constitution adhered to, viz. that decisions on spiritual matters should first be settled in synods, and subsequently, if approved, be armed with the force of law by the intervention of the civil power. What was established by the synod "became[o] obligatory 'in foro conscientiæ;' and was then confirmed and ratified by

[o] Wheatly on Com. Prayer, pp. 28, 29.

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the supreme magistrate in parliament, and so also became obligatory 'in foro civili.'"

It has, indeed, been said by a late writer[p] that "*of all the formularies of faith, whether doctrinal or devotional, which were put forth during the ascendancy of the Tudors, none can be shewn to have had the sanction of convocation except the Thirty-nine Articles.*" Now this announcement is in a high degree startling, even at first view, as it is altogether incompatible with many facts which have been already considered; moreover, it will be found contradictory to some plain records of history accessible to all, and hereafter to be produced.

[p] Rev. R. I. Wilberforce on Supremacy, p. 261.

It has also been asserted in another quarter with much shew of confidence that "*act of parliament*[1] *in* 1547 *alone ordered the giving of the cup to the laity.*" The untruth of this statement may be gathered from the facts above[pp] recited; and however acceptable such an assertion may be in some quarters, as tending to derogate from the part which our provincial synods took in the reformation of religion and to ignore the authority of those assemblies; yet it is not clear that the lay members of the English Church in general would be satisfied to date the sacred bequest of a full participation in holy communion to an act of parliament. Nor can it be supposed that the country at large is prepared to admit that the Houses of Lords and Commons were ever invested with the proper powers of an ecclesiastical synod. Such a statement as the foregoing will only be accepted as true on unanswerable evidence; and if such a position is to be defended, the outworks must be built on surer foundations of facts and dates.

[pp] Vid. sup. p. 460.

Now to be somewhat specific on this point[q], which has been so rudely assaulted, the declaration for receiving the communion in both kinds was first promoted[r] by Archbishop Cranmer among the bishops, and it was sent to the lower house[s] of convocation Nov. 30, 1547. It was decreed[t] in that house Dec. 2, thus receiving full synodical sanction. A bill on the subject, brought into the House of Lords by Archbishop Cranmer, was read[u] a second time on Dec. 3, the day after the vote in convocation; and shortly after the statute[v] was passed, in which it was enacted[w] that the communion should

[q] See also Rev. R. I. Wilberforce on Supremacy, p. 261.
[r] Warner, Eccl. Hist. ii. 256.
[s] Strype's Cranmer, p. 155.
[t] Strype's Cranmer, p. 156. Conc. Mag. Brit. iv. 16. Coll. Eccl. Hist. v. 224.
[u] Att. Rights, p. 197.
[v] 1 Edw. VI. c. 1.
[w] Sec. 7.

[1] Edinburgh Review, No. 192, Oct. 1851, p. 544. The article alluded to was afterwards reprinted with the name of the author attached to it.

be administered in both kinds. K. Edward VI. had a very different opinion from the gentleman who has lately told us "*that*[x] *act of parliament in* 1547 *alone ordered the giving of the cup to the laity.*" In a proclamation issued at this time[y] the king forbids all contentions on the subject "until[z] such tyme as the king's majesty, by th' advice of his highes councel and *the clergy of this realme*, shall define, declare, and set furthe an open doctrin therof." And, considering the facts of the case, we must conclude that his majesty's view of the matter was somewhat more correct than our author's.

A.D. 1547. K. Ed. VI.

[x] Edinb. Rev. No. 192, p. 544.

[y] Dec. 27.

[z] Conc. Mag. Brit. iv. 19.

Denial of cup to the laity a modern innovation of Rome.

The synodical emancipation of this Church from the gross corruption of the denial of the cup to the laity is an æra in her history which calls for serious thankfulness. That innovation of half-communion was of comparatively recent date, and its rejection by proper authority in England bears a national testimony against one of the strangest abuses of the Church of Rome. The laity were not denied[a] their right to a participation in "the communion[b] of the blood of Christ" until after the chapter[c] defining the Roman doctrine of transubstantiation, was presented by Innocent III. at the fourth Lateran Council[d] (A.D. 1215).

William the Conqueror caused[e] his army to communicate in both kinds, according to the usage of his time, immediately before the battle of Hastings, A.D. 1066. Thomas Aquinas, who lived about the year 1260, says that in his time[f] the cup was not given to the people in *some* churches; but by thus restraining the practice, his evidence proves the general usage of the Church then to have been otherwise. In the thirteenth session of the Council of Constance, begun A.D. 1414, this abuse finally passed into a synodical decree of the Roman Church; but all history incontestably proves how modern this practice is, and how little of ancient authority and primitive usage can be pleaded for its adoption. The English Church on the occasion before us threw off this modern gloss, which mutilates the highest mystery of the Christian religion; and in carrying out so wise and pious a determination she was fortified by the prompt assistance and powerful co-operation of the civil legislature. Happy for our nation if such aids were always extended to the Church for the removal of abuses

[a] Hussey, Ch. from the beginning until now, p. 15.

[b] 1 Cor. x. 16.

[c] No. 1.

[d] Vid. Landon's Manual.

[e] Heylin's Hist. Ref. p. 30.

[f] Heylin's Hist. Ref. p. 50.

A.D. 1548. Archbps., Thomas Cranmer, Robert Holgate.

and the establishment of religion upon the foundations laid by our blessed Lord Himself.

XXI. A.D. 1548 N.S. First reformed communion office.

As soon as the synodical decision, that the communion should be administered in both kinds, was ratified by parliament, measures were taken for the preparation of an office for the purpose. The work was managed by a committee[2]. Now a committee for revising the offices of the Church had been authorized in the late king's time by the convocation held Feb. 21, 1543 N.S.[g]; and it may be remembered that a petition[h] had been sent up from the lower house in the third session of this present convocation to the effect, that the labours of that committee which had been authorized "*by the command*[i] *of convocation*" should be laid before the synod. It has been thought that this committee before us was only a continuation[j] of the old committee of Feb. 1543 N.S.; but however that may be, it is clear that the present committee acted in accordance with the late decision of convocation on the subject of the eucharist. In the prosecution of their work they met at Windsor Castle, to "consult about one uniform order[k] for administering the holy communion in the English tongue under both kinds of bread and wine."

[g] Vid. sup. p. 412, and Conc. Mag. Brit. iii. 863.

[h] Vid. sup. p. 459.

[i] Conc. Mag. Brit. iv. 15.

[j] Att. Rights, p. 198.

[k] Heylin's Ref. p. 57.

Before these divines finally came to a resolution they broke the question[l] into ten divisions, and it was agreed that every member of the committee should give his answer in writing. They moved tenderly in their undertaking, unwilling to shock those of the old persuasion, and still wishing to bring the work to an unexceptionable standard. It was therefore so arranged that the old office should[m] be used to the end of the canon as formerly, in the Latin tongue, and up to the point where the celebrant received the communion himself. A new portion was then added in English, beginning with an exhortation (in effect the same as the second of those now standing in our Prayer Book), and containing the invitation, the general confession, the absolution, the comfortable sentences,

[l] Coll. v. 247. Strype's Cranmer, p. 158.

[m] Heylin's Ref. p. 58.

[2] Archbishops—Canterbury and York; Bishops—London, Durham, Worcester, Norwich, S. Asaph, Salisbury, Coventry and Lichfield, Carlisle, Bristol, S. David's, Ely, Lincoln, Chichester, Hereford, Westminster, Rochester; Doctors—Cox, dean of Christ Church, May, dean of S. Paul's, Taylour, dean of Lincoln and prolocutor of convocation, Heynes, dean of Exeter, Robertson, afterwards dean of Durham, and Redmayn, master of Trinity College, Cambridge.—Collier, vol. v. p. 246.

the prayer of humble access, the distribution of the elements to the people, together with a dismissal in the peace of God. A rubric[n] was also added respecting the bread, and another for consecrating more wine if needful. This godly form, called "The Order[3] of the Communion," having been well[o] approved, was published on the 8th of March, 1548 N.S., together with his majesty's proclamation giving the civil sanction for its use.

A.D. 1548. K. Ed. VI.

[n] See Bulley's Variations, Pref. v.

[o] Heylin's Ref. p. 58. Coll. v. 255.

XXII. First reformed Prayer Book.

After the restoration of full communion to the English Church, the next great advance made towards complete reformation was the establishment of the first reformed Prayer Book. By this the standard of divine offices was defined; and as by all honest men the "lex orandi" must always be considered as the exponent of the "lex credendi" (notwithstanding any late mysterious suggestions in the law courts to the contrary), the faith of the English Church of that day may clearly be gathered from the contents of this book. Its variations[p] from the second reformed book and from the book now in use are considerable, though not perhaps fundamental[q], nor are they necessary to our present inquiry at this point. But the question of its due ratification by synodical authority is a matter essential to our purpose.

[p] Vid. inf. pp. 477, 478, notes.

[q] See Cardwell's Two Liturgies. Coll. v. 271—297. Sparrow by Downes. Keeling's Liturgies.

It must be borne in mind that more than six years before this time, viz. on the 24th of February, 1542 N.S., Archbishop Cranmer had moved in the upper house of convocation that "portuises[r], missals, and other service books should be reformed." In the following year this matter was again urged upon the attention of the synod, for on the 21st of February, 1543 N.S.[s], the archbishop again suggested an examination and correction of all "mass-books[t], antiphoners, and portuises," and the desirableness of framing the public services "out of the scripture[u] and other authentic doctors." Upon this suggestion a committee[v] was appointed for the purpose; and the business of the reform[w] in the services was then carried on actively and without delay, the convocation having in the same session ordered that a chapter[x] of the New or Old Testament should be read in English during the service, and

[r] Vid. sup. p. 408. Conc. Mag. Brit. iii. 861.

[s] Conc. Mag. Brit. iii. 863.

[t] Conc. Mag. Brit. iii. 863. Sup. p. 412.

[u] Conc. Mag. Brit. iii. 863.

[v] Conc. Mag. Brit. iii. 863. & sup. p. 412.

[w] Conc. Mag. Brit. iii. 863. & sup. p. 412.

[x] Conc. Mag. Brit. iii. 863. & sup. p. 413.

[3] For this communion office, see Conc. Mag. Brit. iv. 11. Sparrow's Collections, p. 18. Cardwell's Two Liturgies, appendix ad fin.

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having also devoted two succeeding[y] sessions to the prosecution of the same subject. That this committee had now made progress in the work assigned to them of reforming the service books is plain from the petition before referred to, and sent up last year[z] from the lower house of convocation, to this effect: That "the[a] work of the bishops and others, who *by the command of convocation* have laboured in examining, reforming, and publishing the divine service, may be produced, and laid before the examination of this house." Now[b] as the reform of the divine offices had been entrusted to a committee by convocation in K. Henry VIII.'s time, and as the lower house had again given an impulse to that proceeding by their late petition, measures were taken that the desired event, the publication of a reformed service book, might now be brought to a speedy issue, "the business[c] being continued in the same method into" which the convocation had formerly put it.

There is reason[d] to believe, it is said, that the petition of the lower house of convocation before referred to ended in an address[e] of both houses to the king that he would himself name the persons to bring this matter to perfection. But however that may be, a committee of divines was selected for the purpose. This was a smaller committee than that which had[f] just settled the "order of the communion;" though all the persons here engaged were included in that former and larger committee. The present committee[4] met together[g] on the 1st of September, 1548. Their object was to compile an order for morning and evening prayer, together with forms[h] for celebrating other public offices, in conformity with the faith of the early Church. The uses of Sarum, York, Bangor, and Lincoln[i], as well as diversities in some parts of divine service, were to be laid aside, and a uniform[k] office provided for the whole kingdom. The committee laid down these rules: that nothing should be changed for the sake[l] of novelty, that their work should be grounded on the word of God, and fashioned according to the best[m] precedents of the primitive

[y] Conc. Mag. Brit. iii. 863 ad init.
[z] Nov. 22, 1547.
[a] Conc. Mag. Brit. iv. 15. Strype's Cranmer, p. 155.
[b] Att. Rights, pp. 197-8.
[c] Att. Rights, p. 198.
[d] Att. Rights, p. 198.
[e] Att. Rights, p. 198, quotes Burnet, Ref. ii. 50. Stillingfleet, Iren. p. 386.
[f] Vid. sup. p. 466.
[g] Sparrow by Downes, app. cl., and Heylin, Ref. p. 64.
[h] Coll. v. 271.
[i] Warner, Ecc. Hist. vol. ii. p. 264.
[k] Coll. v. 272.
[l] Coll. v. 276.
[m] Warner, vol. ii. p. 265.

[4] Composed of Cranmer, archbishop of Canterbury; Day, bishop of Chichester; Goodrick, bishop of Ely; Skyp, bishop of Hereford; Holbeach, bishop of Lincoln; Ridley, bishop of Rochester; Thirlby, bishop of Westminster; with Drs. May, Taylour, prolocutor of convocation, Heynes, Robertson, Redmayn, and Cox.—Coll. vol. v. p. 246. Card. Lit. pref. xi. Sparrow by Downes, app. cxlix. Wheatly, Comm. P. pp. 21, 22.

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Church. They took notice though our Saviour was establishing a new Church, and introducing a religion strangely different from that of Moses, yet that He founded his two sacraments of baptism and the eucharist[n] upon a resemblance to Jewish rites; and therefore they concluded, as they could challenge no extent of authority approaching that of our Lord, and as they had neither a commission nor a wish to erect a new Church, that their business was to work upon the old foundations, and to restore the ancient fabric to its fair proportions. And in this course they proceeded. Their object was to clear off the rust which had accumulated by lapse of time, and to brighten their work by bringing it up to the primitive standard. Calvin, it is said, offered his services[o] on this occasion to Cranmer; happily the archbishop knew his man, and declined them; for had they been accepted we should doubtless have had some baser metal introduced into the composition. But Cranmer wisely refused such help, and so saved the work from foreign alloy. The whole fabric of the new service book was completed by English hands; for though Martyr and Bucer were invited at this time to come over to season our universities, yet those foreigners[p] did not arrive till the liturgy was completed. This work, having been completed by the committee, received synodical sanction[q]. A bill for the civil[qq] ratification of this first reformed Book of Common Prayer, and for enforcing the use of it, was brought into parliament. It was introduced into the House of Commons[r] on the 9th of December, and into the House of Lords on the 10th of December, 1548; and received its third reading in the upper house on the 15th of January, and in the lower on the 21st of January, 1549 N.S.[s] Thus it was passed into a statute[t], entitled an "Act[u] for Uniformity of Service and Administration of Sacraments throughout the Realm." The act takes notice that the book is set forth by "the aid of the Holy Ghost[u]," and enjoins upon the authorities of every parish and cathedral church the duty of obtaining copies before the feast[v] of Whitsuntide, 1549, and of using the new liturgy within three weeks after such copies were procured. The book[5] itself was published[w] in March, 1549 N.S., and

[n] Warner, vol. ii. p. 266.

[o] Coll. v. 276, and Heylin, Ecc. Vind. 4to. p. 69.

[p] Heylin, Ref. p. 65, and Ecc. Vind. 4to. p. 69.

[q] Vid. infra, p. 470 & seq.

[qq] See Heylin's Hist. Tracts, pp. 15, 16.

[r] Burnet's Hist. Ref. vol. ii. p. 192.

[s] Cardwell's Two Liturgies, pref. p. xi.

[t] 2 & 3 Ed. VI. c. 1.

[u] Stat. at Large.

[u] Sec. i. (n.)

[v] Sec. viii.

[w] Lathbury, Hist. of Convocation, pp. 138, 139, and notes.

[5] This book was, with some variations, the same as our present Prayer Book. A new communion office was added to it, superseding the "Order of the Com-

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was used in some of the London churches on Easter Day, which fell in that year on April the 21st.

Now it may occur to some minds that from the first appointment of a committee by convocation for the reformation of the divine offices in 1542[x], and during the different stages through which these matters passed, very large powers were entrusted to committees of divines, and that therefore the fruit of their labours, now brought to maturity (in the first reformed liturgy), required a full, definite, and formal synodical ratification. For, in the words of Heylin[y], "If the reformation be in points of doctrine, and in such points of doctrine as have not been before defined, or not defined in form or manner as before laid down, the king only with a few of his bishops and learned clergy (though never so well studied in the point disputed) can do nothing in it. That belongs only to the whole body of the clergy in their convocation rightly called and constituted."

[x] Vid. sup. p. 412.

[y] Ecc. Vind. 4to. p. 81.

A. D. 1549. This book received full synodical sanction.

That this first reformed Prayer Book did receive proper synodical sanction[z] is not doubted by the most trustworthy writers. The records, indeed, are lost, having been burnt in the disastrous fire of London; but there is such a mass of collateral evidence on the subject as must needs satisfy any candid inquirer. As this is a point of importance, the reader must not grudge some pains in considering the evidence which establishes the fact that this first complete liturgy of the reformed English Church was fully sanctioned by synodical authority.

[z] Strype's Mem. vol. ii. p. 87. Wheatly, Comm. P. pp. 21—27. Card. Lit. pref. xi. Lathbury, 138. Heylin's Tracts, pp. 15, 16.

The first witness to be produced is K. Edward VI. In his letter[a] to Bishop Bonner, dated July 23, 1549, the king thus writes: "One[b] uniform order for common prayers and administration of the sacraments hath been and is most godly set forth, not only by the common agreement and full assent of the nobility and commons of the late session of our late parliament, but also by the like assent of the bishops in the said parliament, *and of all other the learned men of this our realm in their convocations and synods provincial.*"

[a] Coll. v. 342.

[b] Conc. Mag. Brit. vol. iv. p. 35.

munion" published last year; and the new office was now brought into nearer resemblance * with that which we use at this day.

* Vid. Cardwell's Lit., Bulley's variations.

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To the same effect is the king's answer to the petition of the Devonshire men, who had risen in insurrection[c], being displeased at this new service book. He assured those discontented persons in these words: "Whatsoever[d] is contained in our book, either for baptism, sacrament, mass, confirmation, and service in the Church, is by our parliament established, *by the whole clergy agreed, yea, by the bishops of the realm devised*, by God's word confirmed." Now to imagine that his majesty was the author of such gross falsehoods as are here contained, if we admit the supposition that the first reformed Prayer Book published in his reign was not sanctioned synodically, is to attach a blemish to his fair character which it has never been believed by persons of any party to deserve.

[c] Hume, c. xxxv. p. 364.

[d] Att. Rights, p. 199, cites Foxe, vol. ii. p. 668.

The next evidence to be produced confirmatory of the fact that the first service book of this reign was synodically ratified is drawn from an order of his majesty's council, by which instructions were given to Dr. Hopton, the Lady Mary's chaplain, to the intent that he might acquaint her with the insufficiency of her reasons for demurring to the use of the new liturgy. The council bid him use these words[e]: "The fault is great in any subject to disallow a law of the king; a law of the realm by long study, free disputation, and *uniform determination of the whole clergy* consulted, debated, concluded." Now, unless the first service book of this reign was sanctioned by the convocations, such an order as that just quoted contains a positive untruth; for we are to consider that nothing is here to be set down to looseness of expression, a failing, I trust, never to be suspected among gentlemen holding high government appointments, whose position and employments demand the stereotyped precision of official routine.

[e] Att. Rights, p. 199, cites Foxe, vol. ii. p. 701, and see Collier, vol. v. p. 343.

But we must have recourse still once more to the evidence of his majesty's council on this point. A letter indited[f] by them to the Lady Mary on the subject of her chaplains saying mass declares that such a proceeding is "a contempt of the ecclesiastical[g] orders of this Church of England." Now if the first liturgy, to which the reformed communion office had been appended, was not established by proper synodical authority, we must here pay the council the ill compliment of believing that they were under an incapacity of distinguishing between ecclesiastical and civil sanctions—a vulgar failing

[f] June 24, 1551.

[g] Foxe, vol. ii. p. 709, apud Att. Rights, p. 202.

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then less common than now; or we must bear still more hardly upon the memory of those gentlemen by supposing that though cognizant of so patent a distinction they wilfully misstated the facts of the case in hand.

But not only have we the evidence of his majesty K. Edward VI. and of his council on this point. That of two archbishops may also be cited for the same purpose. Dr. George Abbot, archbishop of Canterbury, gives us a plain assurance in the following words, that the first reformed Prayer Book of Edward VI.'s reign was synodically sanctioned. "The religion[h]," he says, "which was then and is now established in England is drawn out of the fountains of the word of God, and from the purest orders of the primitive Church; which for the ordinary exercise thereof, when it had been collected into the Book of Common Prayer by the pains and labour of many learned men and of mature judgment, *it was afterwards confirmed by the upper and lower house.* Yet not so, but that the more material points were *disputed and debated in the convocation house by men of both parties*, and might further have been discussed so long as any popish divine had aught reasonably to say .... And then it being intended to add to ecclesiastical decision the corroboration of secular government, according to the ancient custom of this kingdom (as appeareth by record from the time of K. Edward III.), the parliament, which is the most honourable court of Christendom, did ratify the same."

[h] Dr. Geo. Abbot ag. Hil. p. 104, cited in Strype's Mem. vol. ii. p. 87.

We are also to observe that Archbishop Bancroft[i], who was alive at the time of the compilation of the first reformed Prayer Book, affirmed that "the first[k] liturgy set forth in the beginning of K. Edward's reign was carefully compiled and *confirmed by a synod.*"

[i] Born 1544.

[k] Coll. vi. 277.

One more witness must be adduced, the learned historian Strype, whose language is plain to the point. "The consideration[l] and preparation of this Book of Common Prayer, together with other matters in religion, was committed first of all to divers learned divines, as was shewn before, *and what these had concluded upon was offered the convocation;* and after all this the[m] parliament approved it and gave it its ratification."

[l] Strype's Mem. vol. ii. p. 87.

[m] See also Heylin's Hist. Tracts, pp. 15, 16.

Now under the disabling circumstance of the loss of the convocation registers, the foregoing testimony to the synodical

sanction of the first reformed Prayer Book is more full than could reasonably have been looked for. We have the united evidence of K. Edward VI., of his council, each on two several occasions, of two archbishops, and of a most trustworthy historian. To look for more convincing proof would be surely unreasonable. When documents are lost corroborative evidence is wont to prevail. Here we have more than corroboration, we find proof amply sufficient to satisfy any candid inquirer.

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XXIII. Reformed ordination service.

The next step in the reformation of divine offices was the preparation [n] of a new ordinal. This was set [o] on foot towards the end of 1549. The work was committed again to a committee, as in the case of the reformation of the other offices, and it is believed upon good [p] authority to that same [q] committee (the Bishop of Chichester only excepted) which was engaged on the first Prayer Book. This committee framed their work in conformity with the principles [r] of the primitive Church, and executed it in accordance with the rules recapitulated in the Council [s] of Carthage held A.D. 401; and which in early times had been generally received and approved so far as regarded the consecration of bishops, and the ordination of inferior ministers in the Churches of the west. When the work had been completed by [t] the committee of divines, it was used for the purposes intended without further authority for some time. Indeed there is no record remaining of its having had the formal sanction of the whole convocation until 1553 N.S., when, having been annexed with some slight variations to the second reformed Prayer Book [6] of K. Edward VI.'s reign, the whole volume was sanctioned by the 35th article of 1552-3. This ordinal had also a second confirmation by [u] the 36th [v] article of 1563 N.S., so that it has a double synodical sanction. It may be remarked in passing, that the act of parliament [w] which ratified this ordinal was passed before the work was complete. It seems therefore that

[n] Att. Rights, p. 202.
[o] Coll. v. 376. Strype's Mem. vol. ii. p. 186.
[p] Heylin, Hist. Ref. 82.
[q] Vid. sup. p. 468, note.
[r] Coll. v. 376.
[s] Heylin's Ref. p. 83.
[t] Heylin's Hist. Ref. p. 83.
[u] Coll. v. 383.
[v] Heylin's Ref. p. 83.
[w] 3 & 4 Ed. VI. chap. 12.

[6] When this ordinal was added to the second Prayer Book of 1552, the variations were these: viz. omission of some requirements as to vestments, omission of introits, of appeal to saints and evangelists, of the delivering a chalice and bread at the ordination of a priest, and the laying the bible on the neck, and of placing the pastoral staff in the hand, at the consecration of a bishop.—Vid. Bulley, Variation of Comm. and Baptismal Offices, Pref. p. x.

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the parliament on [x] this occasion paid exceeding deference to the future resolutions of the committee of divines, by enacting [y] them, not only before they had been inspected by the civil power, but even before they were concluded by their authors.

[x] Heylin's Hist. Tracts, p. 16.
[y] Att. Rights, p. 202.

XXIV. "Reformatio legum Ecclesiasticarum" promoted again at this time.

At the end of this year (1549) another endeavour was made towards a reformation of the ecclesiastical laws. It will be remembered that the clergy in synod had consented to the reform [z] of the ecclesiastical laws by thirty-two commissioners on the 15th of May [a], 1532; and that by the act (25 Hen. VIII. c. 19) measures [b] had been taken in 1534 for carrying out the plan. The clergy had again made a formal [c] synodical petition on the subject in 1547, desiring that this business might [d] be concluded; and in consequence by another recent act [e] the king was now empowered to "nominate [f] and appoint two and thirty persons to peruse and make ecclesiastical laws." In accordance with this last act the thirty-two [g] persons were now appointed; and in order to a dispatch of the work [h] a sub-committee was [7] afterwards commissioned (Nov. 11, 1551). By them the work was "digested and fashioned according to the method of the Roman decretals, and called by the name of the Reformatio legum Ecclesiasticarum [i]."

[z] Conc. Mag. Brit. iii. 754-5, and sup. chapter x. p. 347.
[a] Att. Rights, pp. 92-3, and App. p. 537.
[b] See sup. this chap. p. 375.
[c] Conc. Mag. Brit. iv. 15, and sup. this chap. p. 458.
[d] Strype's Cran. p. 155. Coll. v. 220.
[e] 3 & 4 Ed. VI. c. 11.
[f] Stat. at Large, in loc.
[g] Vid. sup. this chap. p. 375.
[h] Heylin's Ref. 83.
[i] Heylin's Ref. 83.

Now this book is most valuable, as shewing what were the views of our reformers of that age, and how widely their sentiments differed from those of persons in the present day, who either from wilfulness or ignorance hopelessly confuse the principles of the reformers with those of the puritans. To pass over the other points in this performance, from which, however, very wholesome instruction might be derived, those only shall be glanced at which affect our present inquiry. As was remarked above [k], diocesan synods are treated in this work with very great respect; no less than five chapters being specially devoted to that subject, containing very minute regulations, and specifying the reasons for convening [l] such assemblies, the times [m], and the form [n] of holding them, the subjects [o] to be there treated of, and the manner [p] of concluding the meetings.

[k] See chap. ii. pp. 41, 42.
[l] Ref. legum de Eccles. cap. 19.
[m] Cap. 20.
[n] Cap. 21.
[o] Cap. 22.
[p] Cap. 23.

[7] Archbishop Cranmer, Th. Goodrick, bishop of Ely, Dr. Rich. Cox, Dr. Peter Martyr; William May, and Rowland Taylor, LL.D.'s; John Lucas and Rich. Goodrick, Esqrs.

It is specified, also, that a synod of bishops should be called [q] by the metropolitan when any important case arises. And still further, our provincial synods are treated with the highest marks of regard, and all such consideration as is due to those legitimate successors of primitive Church assemblies. Among the specified duties of the metropolitans that [r] of convening such synods is not forgotten; and, moreover, when an appeal has been carried in an important case from an archbishop to the crown, it is to be referred to three or four bishops, or to *a*[s] *provincial synod as the tribunal in the last resort*[s]. As however the king died [t] before he had given his royal signature to this book, the design unhappily miscarried. To this hour it has never been renewed by those who are concerned for the honour and safety of the Church. But how that safety and honour can without some such code be effectually secured is left to the consideration of the reader.

A. D. 1549. K. Ed. VI.

[q] Ref. leg. de Ecclesia, cap. 18.

[r] Ref. legum de Ecclesia, cap. 17.

[s] Ref. leg. de appellationibus, cap. xi. p. 283.

[t] Strype's Mem. ii. 303.

XXV. Second reformed Prayer Book.

A. D. 1550.

In the first Prayer Book there were some few points which were not palatable to the more ardent reformers. Archbishop Cranmer [u], who had a high opinion of Bucer, applied to that foreigner for his thoughts on the subject. In order to qualify himself for giving an opinion he had the first Prayer Book translated into Latin by one Alesse, a Scotchman; and having then applied himself to the necessary considerations, he wrote to the archbishop [v] on the whole matter and at length. At the outset he gives this remarkable commendation to the book, declaring that "upon [w] perusal of the service book he thanked God Almighty for giving the English grace to reform their ceremonies to that degree of purity; and that he found nothing but what was either taken out of the word of God, or at least not contrary to it, provided it was fairly interpreted." Now if the first reformed Prayer Book was in this commendable state, it might have occurred to this adviser that to undo what had been so lately done might have an ill effect on men's minds. Still this seems not to have struck him, at least not with much force, for he begrudged no pains to recommend an alteration, and lengthened out his strictures to twenty-eight [x] chapters. It has been thought that Bucer's animadversions were some-

[u] Coll. v. 397.

[v] Coll. v. 397.

[w] Coll. v. 397.

[x] Coll. v. 398—406.

[s] "Eam vel concilio provinciali definire volumus, si gravis sit causa, vel a tribus quatuorve episcopis," &c.—Ref. Leg. de Appell. c. xi. p. 283.

A. D. 1550. Archbps., Thomas Cranmer, Robert Holgate.

what strained; and that his mind was overcharged[y] with scruples. Nor do his remarks in the body of his discourse agree tolerably with the concessions at its commencement. Notwithstanding this, however, Peter Martyr agreed with him, as appears by a correspondence which passed between them. Another very notorious person of that time took occasion also to promote the enterprise—one who deemed himself wiser than the primitive Church; and who, from never being harassed with misgivings about the correctness of his own peculiar views, thought himself qualified "to dictate[z] religion to all countries in Christendom." This was Calvin, who, by the way, not only assumed to himself a high degree of authority in matters of faith, but thought himself justified in taking very sanguinary vengeance on those who declined to accept his singularities[a]. His weight was thrown into the scale of those who pressed for an alteration of the first reformed Prayer Book; and in his writings at this time he took unwarrantable freedoms in[a] making use of very rude and unguarded language with reference to that work. But that his managements in this matter should be more exceptionable than Bucer's no one will wonder who takes the trouble to consider the very dissimilar characters and dispositions of the two men. For the latter was a person of kindly spirit, noble disposition, and expansive mind. This (however indefensible his interference about the first service book may be) is plain from his work entitled "The Kingdom of Christ," and presented as a new year's gift to K. Edward VI., in which work much uncommon thought is well supported[b]. He there recommends, by the way, the holding of provincial synods[c] twice in the year—advice which some persons of figure in the present day would seem prepared to treat with slender consideration.

[y] Coll. v. 406.

[z] Coll. v. 434.

[a] Heylin's Hist. Ref. p. 107.

[b] Coll. v. 418.

[c] Coll. v. 408.

Revision of the former book promoted in the Canterbury Synod in 1550.

These designs for a fresh alteration in the public service were pressed on "by[d] agents in the court, the country, and the universities," and the effect of the general agitation was that in the convocation this year (1550) the question of a revision of the first reformed Prayer Book was brought forward.

The[1] first debate[e] among the prelates in the upper house

[d] Heylin's Hist. Ref. p. 107. Coll. v. 435.

[e] Heylin's Hist. Ref. p. 107. Coll. v. 435.

[p] Witness his treatment of Servetus.

[1] This was probably in the synod which met April 22, or October 11, 1550. See

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referred to the exceptions which had been taken against the then authorized formularies. There were two[f] points which appear on this occasion to have received special attention :—

[f] Heylin's Hist. Ref. p. 107.

1. The holy days which were retained in the calendar and those which were abrogated.

2. The form[g] of words used in distributing the elements to communicants, and the manner of administering that holy sacrament.

[g] Heylin's Hist. Ref. p. 107.

These subjects were debated by the prelates, and a communication from them was made to the prolocutor and the clergy upon the matter. A formal[h] initiation of this business had indeed taken place in the lower house on the previous day, but still on points so important the members had not had sufficient time to come to conclusions, and the lower house therefore returned answer, "that[i] they had not yet sufficiently considered of the points proposed, but that they would give their lordships some account thereof in the following session." Their final answer is unfortunately unrecorded, not having been entered upon the acts of convocation; but that an agreement was come to on the subject at this time may be learned from corroborative evidence, though there is no record to produce. The witness is Peter Martyr, who writes to this effect at the beginning[j] of 1550 N.S.:—"He gives[k] God thanks for making himself and Bucer instrumental in putting the bishops in mind of the exceptionable places in the Common Prayer," and he adds "that[l] Archbishop Cranmer told him *they had met about this business, and had concluded on a great many alterations.*"

[h] Heylin's Hist. Ref. p. 107.

[i] Heylin's Hist. Ref. p. 107, and Coll. v. 435.

[j] Jan. 10, 1550 N.S.

[k] Coll. v. 434.

[l] Coll. v. 434.

Its review by a committee of divines.

Thus, for[m] avoiding scruples and for satisfying importunities rather than from any admission[n] of impropriety in the first reformed Prayer Book, it was[o] brought under a review, and reduced[2] nearly to

[m] Heylin's Hist. Ref. p. 107.

[n] Coll. v. 464-5.

[o] Strype's Cran. 266, and Mem. ii. 365.

Conc. Mag. Brit. vol. iv. p. 60; though possibly in that which met Feb. 3, 1550 N.S. See Conc. Mag. Brit. iv. 32.

[2] The chief variations from the first reformed Prayer Book were as follow:

I. The FIRST REFORMED PRAYER BOOK enjoined what the SECOND did *not* in the following particulars among others:—1. Introits or psalms prefixed to the collects for the day. 2. A second communion for Christmas and Easter, and a service for the feast of S. Mary Magdalene. 3. The use of the terms "mass" and "altar." 4. The mixture of water with wine in the eucharist. 5. A rubric for setting the elements on the altar and the ancient form in delivering them. 6.

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the form in which[p] our Common Prayer Book now stands. The ordinal also of 1549, with some slight changes[q], was appended. To enter here into a detailed account of all the differences in the whole work, from our present Common Prayer Book, would be beyond our present purpose at this point[r]; our main object being now to discover the synodical sanctions which were successively given to the service books and formularies of faith adopted at this period of her history by the English Church. This second review of the Common Prayer Book was managed by[s] Cranmer, Ridley, Cox, and some associated divines. It is believed indeed that the reviewers were[t] in the main the same committee as that which had[u] arranged the first reformed Prayer Book; and if such was the case, the remarks made above on the synodical authority of that committee (as having[v] probably been the continuation of a committee appointed by the[w] command of convocation in 1543 N.S.) will here also apply. The reviewers carried on their work with assiduity, and by[x] September 1551 some proof copies were printed by Grafton, though the performance was not yet either synodically or civilly ratified. The issue of any copies was however[y] forbidden, as some few emendations still had to be made. Finally, after completion,

[p] Coll. v. 435.
[q] See above, this chap. ad an. 1549, note.
[r] See chap. xii. ad an. 1559, and chap. xv. ad an. 1662; also Keeling's Liturgies.
[s] Strype's Mem. ii. 366.
[t] Fuller, Ch. Hist. b. vii. p. 386.
A.D. 1551.
[u] Heylin's Hist. Ref. p. 108.
[v] Vid. sup. this chap. ad an. 1543 N.S. and 1547.
[w] Conc. Mag. Brit. iii. 863, and iv. 15.
[x] Strype's Mem. ii. 366.
[y] Strype's Mem. ii. 366.

An invocation—a verbal oblation and signing of the cross in consecration. 7. The use of the "Gloria in excelsis" and some other portions of the service were also transposed in the second book. 8. In the first book, moreover, there were prayers * for the dead in the communion and burial service. 9. A rubric for receiving the bread in the mouth, another for reserving the sacrament. 10. A communion at burials. 11. Anointing in the visitation and communion of the sick. 12. A form of exorcism, trine immersion, unction, and the chrism in baptism. 13. A separate service for the consecration of the water. 14. Signing of the cross in matrimony. 15. The rochet, albe, and vestment or cope were authorized.

II. The SECOND REFORMED PRAYER BOOK enjoined what the FIRST did *not* in the following particulars among others:—1. A rubric requiring all priests and deacons to say daily the morning and evening prayer either privately or openly, except let by some urgent cause. 2. The sentences of exhortation, the confession, and absolution, the "Jubilate Deo," "Cantate Domino," and "Deus misereatur," in the morning and evening prayers. 3. The commandments and a third exhortation in the communion service. 4. The declaration relative to kneeling at the communion. 5. The ordinal of 1549, with the slight variations mentioned above †. 6. The Athanasian creed was appointed for some saints' days as well as for the great festivals.—See Bulley's Variations of Communion and Baptismal Offices, Pref. pp. vi. vii. x. Cardwell's Two Liturgies. Coll. v. 435-7. Pickering's reprint of Prayer Book. Lond. 1844.

* Coll. v. 292-3.

† Vid. sup. ad an. 1549, note.

it became the service book of the English Church, authorized both by the ecclesiastical [z] and civil [a] power.

Second reformed Prayer Book received sanctions ecclesiastical and civil.

It should be remembered that the reviewers of the second reformed Prayer Book, as was said, brought their labours [b] to a close in September 1551, with the exception only of some few emendations which were subsequently to be considered. The Canterbury Synod met [c] on October 14th and [d] November 5th next ensuing, and it looks very much as if these meetings were called for the special purpose of considering the emendations referred to, previously to the whole work being submitted to convocation and parliament, which met [e] respectively January 24th [f] and 23rd [g], 1552 N.S. following—the meeting of the convocation succeeding the meeting of parliament by one day, according to the usual practice which prevailed after the passing of the Submission Act [h]. However this may be, the second reformed Prayer Book was ratified by this [i] parliament; and since the convocation which sat acourse with it was constantly engaged, as is evident even from the very short record [3] remaining of its proceedings, it seems highly probable, considering the practice of those times which has been abundantly shewn in our previous inquiry, that the synod was engaged in completing and sanctioning the work. But though it is impossible to give absolute proof of this, the registers of this convocation [j] having been miserably kept, yet the synodical sanction given to this book by the articles of 1552-3 [k], probably debated at this time and finally [l] concluded by the synod on March 2, 1553 N.S., is incomparably clear. That sanction is given by the thirty-fifth of those articles, and is most plain to our purpose. It runs as follows:—

"[m] The Booke whiche of very late time was geven to the Churche of Englande by the kinges auctoritie and the parlamente, conteining the maner and fourme of praiying and ministring the sacramentes in the Churche of Englande, likewise also the booke of ordring ministers of the Churche, set foorth by the forsaied auctoritie, are godlie and in no poincte repugnaunt to the holsome doctrine of the gospel, but agre-

A.D. 1551. K. Ed. VI.

[z] Art. 35 of 1553 N.S.
[a] 5 & 6 Ed. VI. c. 1.
[b] Strype's Mem. ii. 336.

[c] Conc. Mag. Brit. iv. 60. 68.
[d] Conc. Mag. Brit. iv. 68.

A.D. 1552.
[e] Heylin's Hist. Ref. pp. 120-1.
[f] Conc. Mag. Brit. v. 68. 73.
[g] Hume, chap. xxxv. p. 370, and Stat. at Large, in loco.
[h] 25 Hen. VIII. c. 19.
[i] 5 & 6 Ed. VI.

[j] Fuller's Ch. Hist. b. vii. p. 420. Fuller's Appeal, pt. ii. p. 78. Wake's State, p. 598, and see Heylin's Examen, pp. 121-2.
[k] Heylin's Hist. Ref. pp. 121-2.
[l] Wake's State, p. 599.
[m] Conc. Mag. Brit. iv. 76. Card. Syn. vol. i. p. 31.

3 "Ad XXIV diem Januarii prox. prorogabatur, a quo die usque ad dissolutionem ejus . . . synodus convenit pro more solito."—Conc. Mag. Brit. iv. 68.

A.D. 1552. Archbps., Thomas Cranmer, Robert Holgate.

able thereunto, ferthering and beautifiyng the same not a litle, and therfore of al faithfull membres of the Churche of Englande, and cheiflie of the ministers of the worde, thei ought to be received, and allowed with all readinesse of minde and thankes geving, and to bee commended to the people of God."

Here then we certainly have in the thirty-fifth article of 1552-3 full and complete[n] synodical sanction to the second reformed Prayer Book, as well as to the reformed[o] ordinal of 1549 appended to it; that is if those articles were synodically ratified themselves, a fact which will[p] be shewn in due course. This second reformed Prayer Book received the ratification of the civil legislature at the end of the sessions of convocation[q] and parliament[r], which rose in the middle of April 1552. For by the statute[s] finally[t] passed in the House of Commons April 14. 1552, entitled "an act[u] for the uniformity of service and administration of sacraments throughout the realm," the use of the new service book was enjoined from the feast[v] of All Saints (November 1) then next ensuing.

That this second reformed Prayer Book received proper synodical sanction our legislators of K. Charles II.'s time seem to have been fully assured. For in the preamble of their act of uniformity[w] it is recited that "the order of common service and prayer" in use in the first year of Q. Elizabeth was "compiled by the reverend bishops and clergy." This statement can of course refer to none other but this second reformed Prayer Book, and it is perfectly clear, by the expressions here used, that our legislature of that day was satisfied of the ecclesiastical origin of the work.

This parliament of K. Edward VI. also passed another act, wisely uniting civil sanctions with synodical decisions. For by[x] "an act for the keeping holy days[y] and fasting days," the legislature traced the[z] steps of the rubric in the new Common Prayer Book relating to holy days. "and ordered[a] none to be kept holy," to use Dr. Atterbury's words on this subject, "but what had before hand been so ordered to be kept by the clergy in convocation, only it added new penalties."

[n] Heylin's Ecc. Vind. 4to. pp. 83, 84.
[o] Vid. sup. this chap. p. 473.
[p] Vid. this chap. infra, pp. 483 et seq.
[q] Conc. Mag. Brit. iv. 68. 73.
[r] Stat. at Large, in loc.
[s] 5 & 6 Ed. VI. c. 1.
[t] Card. Two Liturgies, pref. xxix.
[u] Stat. at Large, in loc.
[v] Sec. 6.
[w] 14 Car. II. c. 4.
[x] 5 & 6 Ed. VI. c. 3.
[y] Stat. at Large, in loc.
[z] Heylin's Tracts, p. 17.
[a] Atterb. Rights, p. 205.

XXVI. Forty-two Articles of 1552-3.

A.D. 1552. K. Ed. VI.

The Convocation of Canterbury which met January 24, 1552 N.S., is one of great importance[b], as to that synod must probably be referred the discussion on the articles of 1552-3. It is evident that some important synodical business was under hand at this time, for from the 24th of January 1552 N.S. to the 16th day of April following, the synod continually held sessions, as we may learn[c] from the meagre[d] record which remains[e] of this convocation[4]. It is clear from this fact that some pressing business lay before them, and taking all the circumstances of the case into consideration, as well as the time and other evidence hereafter to be produced, it cannot I think[f] be doubted but that the forty-two articles of 1552-3[g], and the ratification of the new service book by the thirty-fifth of those articles, was the business[h] which now engaged the attention of the synod. In pursuing this inquiry it is not only the loss of the convocation registers by fire that creates a difficulty, but the unsatisfactory state in which those registers were found by those persons who formerly had opportunities of consulting them, and whose investigations have come down to us. Fuller, who was[i] a member of convocation in 1640, and who paid especial attention to this point before us, bears testimony to the fact that the records of this date were "either very[j] carelessly taken or soon destroyed by those who had no mind that they should be known to posterity." For he assures us that the[k] records of this convocation (*i. e.* of 1552 N.S.) anno 5 & 6 Ed. VI. 6, "are but one degree above blanks, scarce affording the names of the clerks assembled therein." And again he says of the journals "that they contained only the names of the[l] members therein daily meeting." Still we have evidence from[m] other quarters on the subject under consideration.

Now first we will inquire into the history of the compilation of these articles, and then proceed to consider the corroborative proof that they were really what their title itself declares: "*Articles agreed*[n] *on by the bishoppes and other learned menne in the synode at London in the yere of our Lorde Godde* MDLII."

[b] Heylin's Hist. Ref. pp. 121-2.

[c] Fuller's Appeal, pt. ii. p. 78.
[d] Conc. Mag. Brit. iv. 68.
[e] See note.
[f] Strype's Mem. ii. 368.
[g] Heylin's Hist. Ref. pp. 121-2.
[h] Strype's Mem. ii. 368.

[i] See his Ch. Hist. b. xi. p. 167.

[j] Wake's State, p. 598.

[k] Fuller's Ch. Hist. b. vii. p. 420, and compare Heylin's Examen, pp. 121-2.
[l] Fuller's Appeal, pt. ii. p. 78.
[m] Strype's Mem. ii. 368.

[n] Card. Syn. i. 18.

[4] "A quo die [Jan. 24, 1551-2] usque ad dissolutionem ejus synodus convenit pro more solito."—Conc. Mag. Brit. vol. iv. p. 68.

A.D. 1552. Archbps., Thomas Cranmer, Robert Holgate.

In the year 1551 Archbishop Cranmer undertook to frame a book of articles for the preservation of peace and unity in the Church, with a view to their being "set forth[o] by public authority." A draft of articles was made by him, and delivered for inspection[p] to some of the other bishops. Now it was, it is believed, in this convocation, which began Jan. 24, 1552 N.S., and which was evidently, as before observed, engaged in some important business from their frequent meetings, that these articles were brought[q] forward and discussed, though not finally ratified till the following year, March 1553 N.S. For on the 2nd of May, 1552, the council addressed a letter to the archbishop in reference to "the articles[r] that were delivered last year to the bishops, and to signify whether the same were set forth by any public authority according to the minutes." The archbishop sent his answer to the lords of the council; and in September (1552) was again engaged[s] in putting the whole work into shape, affixing titles to each of the articles, and making some additions where necessary. On the 19th of September the archbishop consulted by letter Sir William Cecyl and Sir John Cheke, the one being his majesty's principal secretary and the other his majesty's tutor, whether they should themselves submit the draft of these articles to the king, or whether the matter should lie over until the archbishop himself could attend at court and open the business. It was deemed[t] advisable that the latter course should be pursued. Subsequently the archbishop delivered the book to the king, who took the opinions[u] of his chaplains on the subject[5]; and on November 20 (1552) the articles were dispatched by a messenger to Cranmer, then at Ford, near Canterbury, that they might be reviewed by him, and receive the last touches of his hand, "in order[v] that they might be presented before the convocation[w] and allowed there, and so be published by the royal authority." The archbishop made his last remarks[x] on them, and on the 2nd of March following the convocation met, when, according to Dr. Wake[xx], "this book of articles was finally laid before it," and "the result[y] was, that the whole body agreed upon them and subscribed to them." If, then, as was before suggested[z], the rough draft was debated by the convocation be-

[o] Strype's Cranmer, p. 272.
[p] Strype's Cranmer, p. 272.
[q] Strype's Mem. ii. 368. Heylin's Hist. Ref. pp. 121-2.
[r] Strype's Cran. p. 272.
[s] Strype's Cran. p. 272.
[t] Strype's Cran. p. 273.
[u] Strype, Cran. p. 273, cites Council Book.
[v] Strype's Cran. p. 273.
[w] Coll. v. 437. A.D. 1553.
[x] Coll. v. 438.
[xx] Present State, p. 599.
[y] Present State, p. 599, and see Coll. v. 476.
[z] Vid. sup.

[5] Mr. Harley, Bill, Horn, Grindal, Perne, and Knox.

A.D. 1553. K. Ed. VI.

tween Jan. 24, 1552 N.S., and the following 16th April, when the synod was busily engaged, yet it seems that the *final* confirmation and subscription of the synod after the retouches of the archbishop and the approval of the king did not take place till March 2, 1553 N.S. And this view agrees perfectly well with their title[6]: "*Articles*[a] *agreed on by the bishoppes and other learned menne in the synode at London in the yere of our Lorde Godde* MDLII., *for the avoiding of controversie in opinions and the establishement of a godlie concorde in certeine matiers of religion.*"

[a] Card. Syn. i. 18.

For the debates on them, when they were generally agreed to, seem, as was above suggested, to have taken place in the spring of 1552, that is, up to April 16; and their ratification, after the archbishop's retouches, took place also in 1552, according to the old style of reckoning; March 2, 1553 N.S., being, as is generally known, March 2, 1552 O.S. That such documents were universally dated according to the old style is admitted on all hands. As an instance in point we may take the heading of our present thirty-nine articles, passed ten years afterwards, in 1563 N.S., which are dated "in the yere[b] of our Lorde God MDLXII, according to the computation of the Churche of Englande," *i.e.* according to the old style.

[b] Card. Syn. i. 53.

Publication of the Articles of 1552-3.

After the final ratification of the forty-two articles by the convocation which met March 2, 1553 N.S., and was dissolved April 1, 1553, a very short time elapsed before they were set forth by the king's command. Indeed, in less than two months after the rising of the synod a royal order was dated[c] from Greenwich for their publication[d], and they appeared with this notice prefixed to them: "Published[e] by the kinges majesties commaundement in the moneth of Maie, anno Domini 1553." This royal ratification is important, as it pledges K. Edward VI.'s veracity to the correctness of the synodical title which they bear,—a point to which attention will hereafter[f] be drawn.

[c] Wake's State, p. 600.
[d] May 20.
[e] Card. Syn. i. 18.

[f] Vid. inf. p. 484.

Corroborative proofs of the synodical character of the articles of 1552-3.

Having traced the history of the forty-two articles of 1552-3 according to the best light we

[6] The title to the Latin copy is "Articuli de quibus in Synodo Londinensi, anno Dom. MDLII., ad tollendam opinionum dissensionem, et consensum veræ religionis firmandum, inter episcopos et alios eruditos viros convenerat: Regia authoritate in lucem editi."—Conc. Mag. Brit. iv. 73. Card. Syn. i. 1.

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nodical authority of the Articles of 1552-3.

have, and so far as scattered information allows us, it remains to adduce corroborative proof, shewing that they were synodically sanctioned[g]. And this is the more necessary from the fact that doubts have been raised upon this point in sundry quarters[7], and have been repeated by a late[8] editor, who has published these articles with critical remarks attached.

[g] See Heylin's Examen, pp. 121-2.

Now in the first place their title at once appears to fix their synodical origin[h]: "*Articles agreed on by the bishoppes and other learned menne in the synode at London in the yere of our Lorde Godde* MDLII." &c.

[h] Conc. Mag. Brit. iv. 73. Card. Syn. 18.

And this title is endorsed by his majesty K. Edward VI. by whose authority they were published, so that if the title stated an untruth, "a most pious and religious prince," to use Heylin's[i] words, "must needs be looked on as a wicked and most lewd impostor in putting such an horrible cheat on all his subjects, by fathering these articles on the convocation which begat them not, nor ever gave consent unto them."

[i] Hist. Ref. p. 122.

But not only is synodical authority stamped on their title and endorsed by the king. When they were sent down in the[j] month following their publication to be subscribed in the university of Cambridge, it was particularly specified[k] that they had been "concluded on in the synod of London."

[j] June 1553.

[k] Card. Syn. i. 5, note.

Again, in the beginning of Q. Elizabeth's reign, the London ministers set out a declaration. The[l] examiner of this declaration pressed upon their notice the subscriptions which many of themselves had with their own hands made to these articles of 1552-3; and[m] in quoting one of the[n] articles, says of it, these are the words which the "whole[o] synod were well pleased withal, and whereunto all the clergies hands are set to." This was not denied by the other party; on the contrary, the fact was fully and emphatically admitted that they "had[p] subscribed that article." Indeed, the synodical authority of these articles of 1552-3 was admitted on all hands in this dispute; which, having occurred so soon after the ratification of the documents in question, must have found those engaged in it possessed of all the facts necessary for coming to a true conclusion.

[l] See Wake's State, p. 599.

[m] Wake's State, p. 599.

[n] The 23rd.

[o] Wake's State, p. 599.

[p] Wake's State, p. 600.

[7] Priestcraft in Perfection, p. 29. Neal and others.

[8] Dr. Lamb's Articles.

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In addition to this we are to consider that the Church of England, during the first five years of Q. Elizabeth's reign, received these articles and none other as the authoritative exponents of faith and doctrine; which as Heylin[q] very truly remarks, "certainly she had not done had they been commended to her by a less authority than a convocation."

[q] Hist. Ref. p. 122.

And lastly, we have the evidence of the provincial synod of 1563 N.S., which reduced these forty-two articles to the present standard of faith—the thirty-nine articles of the Church of England. For in the session[r] of that synod held Jan. 19, 1563 N.S., these articles of 1552-3 are specially designated as "articles published[s] in the Synod of London, in the late reign of K. Edward VI." This of itself is sufficient evidence that they had been synodically sanctioned, otherwise the provincial synod of 1563 N.S. would have subjected itself to very just imputations of falsehood; of such a misstatement, moreover, not a few at that time would have been ready enough to take advantage.

[r] Gibson's Synodus Ang. 201, falsely printed 193.

[s] Ibid. and Att. Rights, p. 408.

One point requires a word in explanation. It may occur that the title of these articles does not mention the word 'convocation,' but speaks of them as "agreed on by the bishoppes and other learned menne in the synode at London." But it is beyond doubt that this expression means the convocation, which has been commonly described in such terms. To give two instances at this time sufficient for the purpose, the "six[t] articles" are said, in the act 31 Hen. VIII. c. 14, to have been agreed to by the "archbishops, bishops, and other learned men of the clergy," who just before were styled a "synod" or "convocation." And, again[u], in the articles of 1536 the convocation is signified by the expression, "the bishops[v] and others the most discreet and learned men of the clergy."

[t] Att. Rights, p. 206.

[u] Ibid.

[v] Ibid.

XXVII. Catechism of 1553.

There was bound[w] up with the forty-two articles of 1552-3 a catechism called K. Edward's catechism[9], framed[x] either by Poynet, bishop of Winchester, or by Alexander Nowell, then Master of Westminster, afterwards Dean of S. Paul's. But as there is no satisfactory evidence of this work having[y] been ratified by convocation, it is needless to enter into its history further than to mention its existence, and this is desirable because thence may be drawn a sup-

[w] Fuller's Ch. Hist. b. vii. p. 121.

[x] Coll. v. 506, and Att. Rights, p. 206.

[y] Wake's State, p. 600.

[9] "Catechismus Brevis Christianæ Disciplinæ summam continens."

A. D. 1553. Archbps., Thomas Cranmer, Robert Holgate.

plementary argument in favour of the synodical authority of the articles with which it was bound up. For subsequently, in Q. Mary's time, Dr. Weston, a bigoted Romanist, and prolocutor in two pretended provincial synods, objected [z] that the said catechism "was not [a] set forth by the agreement" of the convocation [b]; but against the articles, though bound with it, no such charge was made, and this exclusive condemnation of the catechism, as not being synodically sanctioned, is so far forth evidence [c] in favour of the articles.

[z] Fuller's Ch. Hist. b. vii. p. 421.
[a] Heylin's Hist. Ref. p. 121.
[b] See below, chap. xii. p. 508.
[c] Card. Syn. i. 5, note.

XXVIII. General remarks on the synodical proceedings of this reign.

We have now gone through all the formularies of faith and offices for divine service published in the reign of K. Edward VI., documents on which the reformation of the English Church was based, footstones on which it stands to this day. If the arguments above adduced are conclusive, it follows that those documents were synodically sanctioned, and that the reformation was the work of the Church herself, notwithstanding the innumerable insinuations and very positive [d] declarations to the contrary which have been published by Romanists, Erastians, dissenters, and others who have treated this subject without due inquiry. Not to dwell now on the progress towards a reformation made in the last reign [dd], its consummation in the present one by the restoration [e] of the cup to the laity, and the discharge [f] of clerical celibacy in 1547, by the first reformed Prayer Book [g] of 1548-9, the new [h] ordinal of 1549, the second reformed Prayer Book [i] of 1552, and by the [k] forty-two articles of 1552-3, was effected by the voice of the Church herself, as speaking through her synods.

[d] Rev. R. I. Wilberforce on Supremacy, p. 261.
[dd] Vid. sup. pp. 421—430.
[e] Vid. sup. this chap. p. 460.
[f] Vid. sup. this chap. p. 461.
[g] Vid. sup. pp. 467—473.
[h] Vid. sup. p. 473.
[i] Vid. sup. pp. 475—480.
[k] Vid. sup. pp. 481—485.

And if upon these points it has seemed necessary to travel through a list of corroborative evidence with painful exactitude, and to refer to numerous dates with troublesome pertinacity, the reader must excuse the labour thus entailed upon him on account of the peculiar circumstances of the present times. For that these matters should be set in a clear light seems no more than necessary, when the following statements have been lately made in the upper house of the imperial legislature, and that, moreover, on the highest authority:—

"The [1] convocation was a very uninfluential body for one hundred years after the reformation." . . . "It is a mistake to

[1] Speech in the House of Lords, July 11, 1851.

suppose that we owe to that assembly the constitution and fabric of our Church. Convocation had little to do with the framing of our first services and articles." A.D. 1553. K. Ed. VI.

A person also holding a position of remarkable eminence has on a very solemn occasion made the following assertions:—

"Many[2] suppose that no matter of importance relating to ecclesiastical affairs ever used to be settled until it had obtained the sanction of convocation. Nothing could be more erroneous. As to the Prayer Book itself, its original compilation and three subsequent revisions were accomplished without the slightest reference to convocation."

A writer moreover of a high character for talent has taken leave to publish on this subject what has been too readily received upon his credit, and too unwarily taken upon content. "The[3] assertion," he writes, "that the reformation was the work of the English clergy is as ridiculous as it is historically untrue;" it "was carried against their will, in spite of their opposition, and in defiance of their convictions." But if historical errors subject their authors to ridicule, as is here implied, it would only argue some prudent forethought to examine foundations more closely before dashing on at this rate. A sally of so unguarded a character should at least have a reserve of truth for its support. Indeed, upon just consideration, one is led to conclude that in the foregoing assertions too wide a range is given to the wishes and the imagination; it is certain that the ancient landmarks of historical truth are insufficiently regarded.

The position which has above in these pages been defended, viz., that synodical sanctions, in the great work of the reformation, preceded civil sanctions, is fortified by the words of the learned Heylin, who thus writes: "put[1] all which hath been said together and the sum is this, that the proceedings of this Church in the reformation were not merely regal (as it is objected by some puritans), much less that they were parliamentarian in so great a work, as the papists falsely charge upon us: the parliaments for the most part doing little in it, but that they were directed in a justifiable way; the work

[1] Hist. Tracts, p. 17.

[2] Archbishop of York's Charge, delivered at Sheffield, June 30, 1853.

[3] Edinburgh Review, October 1851, p. 545. The article quoted was considered by its author truthful enough to deserve publication in a separate form.

A.D. 1553. Archbps., Thomas Cranmer, Robert Holgate.

being done synodically by the clergy only, according to the usage of the primitive times, the king concurring with them, and corroborating what they had resolved on, either by his own act in his letters patent, proclamations and injunctions, or by some public act of state, and by acts of parliament."

We shall now pass on to a season of terrible persecution. K. Edward VI. departed[m] this life on the 6th of July, 1553, a dark day for this Church and nation. A gathering storm rose around the Church, and soon "the[n] waves beat into the ship so that it was now full." The Lord once aforetime thus tried the faith of the mariners on the sea of Galilee, who cried out when their vessel began to sink,—"Master[o], carest Thou not that we perish." In his own good time He, whom the winds and sea obey, said—"Peace[p], be still, and the wind ceased, and there was a great calm."

But we must trace the effects of this storm in a subsequent chapter—

"Cras ingens iterabimus æquor[q]."

[m] Strype's Cran. p. 297.

[n] S. Mark iv. 37.

[o] S. Mark iv. 38.

[p] S. Mark iv. 39.

[q] Hor. Od. i. 7. 32.

CHAPTER XII.

PRETENDED ENGLISH SYNODS.

FROM THE IMPRISONMENT OF ARCHBISHOP THOMAS CRANMER TO THE ACCESSION OF ARCHBISHOP MATTHEW PARKER, SEP. 14, A.D. 1553—DEC. 17, A.D. 1559.

THE MARIAN AND PARLIAMENTARY PERSECUTIONS OF THE CHURCH OF ENGLAND.

SUMMARY.

I. A season of persecution for the English Church. II. Accession of Q. Mary I. III. The queen and her parliament unite in persecuting the Church of England. IV. The clergy generally unwilling to recede from the principles of the reformation. V. Deprivations of the English clergy. VI. The convocations now no provincial synods. VII. Pretended provincial synod of 1553—Harpsfield's sermon—Dr. Hugh Weston prolocutor—Mr. Pye's speech—Wimsley's speech—The prolocutor's speech—Bonner's speech—Haughty behaviour of the bishops—Sundry heads of business proposed—Disputation on the doctrine of transubstantiation in the lower house—Four articles defined by the upper house. VIII. Pretended provincial synod of 1554. IX. Royal commission for the trial of Archbishop Cranmer, Bishops Ridley and Latimer—Archbishop Cranmer and his two suffragans condemned as heretics—The commissioners' sentence presented to the convocation—Sundry business in the convocation—Appointment of proxies—The aid of the universities invoked. X. The parliament and convocation of Nov. 1554 meet—Cardinal Pole addresses the parliament—His speech—Parliament petition for the restoration of papal authority in England—Parliament petition the queen and her consort to intercede with the cardinal for the reconciliation of England to Rome—Cardinal Pole accedes to the request and absolves the parliament, the members kneeling—The form of his absolution—Gardiner preaches on the subject at S. Paul's Cross—An embassy dispatched to Rome—This parliament careful in securing the lay impropriations—The convocation absolved by the cardinal legate—Proceedings of that assembly—The lower house address the upper—The convocation address the queen and her consort—The address—Act of parliament for the restoration of papal supremacy in England—Papal supremacy publicly acknowledged. XI. Parliament and convocation meet in October, 1555—Parliamentary business—The pretended provincial synod of October, 1555—State secrets imparted to the assembly—The lower house petition the upper—Subject of non-residence treated. XII. Cardinal Pole's papal legatine synod—Sundry heads of business in

the legatine synod—Cardinal Pole's twelve constitutions published in his legatine synod—The legatine synod prorogued. XIII. Pretended provincial synod of 1558 N.S.—Sundry heads of business—Articles proposed in this assembly. XIV. York pretended provincial synod. XV. Pretended provincial synod of November, 1558. XVI. Death of Q. Mary I. XVII. Death of Cardinal Pole—Somewhat of his character. XVIII. Parliament and convocation of 1559 N.S. meet—Pretended provincial synod of 1559 N.S.—Articles sketched out by the lower house—And presented to the House of Lords. XIX. York pretended provincial synod. XX. First parliament of Q. Elizabeth enter upon business—Civil sanctions restored to the acts of the Church of England—Bill for the restoration of the Prayer Book—A defect in its management. XXI. A mortality among the bishops—Others refuse the oath of supremacy—The lower clergy generally favourable to the principles of the reformation. XXII. Accession of Matthew Parker to the see of Canterbury—Other sees filled up.

Πόλις γὰρ, ὥσπερ καὐτὸς εἰσορᾷς, ἄγαν
ἤδη σαλεύει, κἀνακουφίσαι κάρα
βυθῶν ἔτ' οὐχ οἵα τε φοινίου σάλου.

SOPH. *Œd. Tyr.* 22—24.

"Fit fragor: irrumpunt sonitu, qui sæva ferebant
Imperia, et strictos jussis regalibus enses.
In media jam morte senes, suffectaque leto
Lumina, et undanti revomentes veste cruorem
Conspiciunt."

VAL. FLAC. *Argonaut*, Lib. i. 819—823.

A.D. 1553. Archbps., Thomas Cranmer, Robert Holgate.

I. A season of persecution for the English Church.

WE pass on now to contemplate a season of rigorous persecution which awaited the English Church at the hands of the civil power. By imperial tyranny and under state sanction her rights were trampled down, her doctrines outraged, her liturgy abolished, more than one half of her clergy [a] deprived, others banished, imprisoned, or burnt, and some of her aged prelates led to martyrdom. Her faithful laity, too, were subjected to the like excesses of persecution, as the pages of our martyrologists [b] too sadly testify.

Yet it appears upon consideration no ways excusable for the civil power to force upon subjects a state religion by means of temporal penalties; still less by infliction of cruelty involving torture and death. Even supposing that they who inflict the punishments are right in their belief, and those who suffer are wrong, yet execution [1] by fire and faggot for misbelief

[a] Warner, Ecc. Hist. ii. 347.

[b] Foxe, Acts and Mon. sub ann. 1553-6.

[1] Some reckon that those who suffered death in this reign for their belief amounted to 277.—Coll. vi. 153. Others estimate them at 288.—Southey's Book of the Church, vol. ii. p. 248.

seems an exercise of rigour highly exceptionable. For it is not clear to demonstration that a man's convictions are always and entirely in his own power, and thus it appears indefensible to punish a misdirection of them with strains of cruelty so excessive. Men's "understandings," it is said [c], "are not all of a size." The same light does not strike in the

A.D. 1553. Q. Mary.

[c] Coll. vi. 154.

LIST OF PRETENDED ENGLISH SYNODS, A.D. 1553—1559.

Date. A.D.	Place.	Archbishop.	Sovereign.	Reference.	Nature of Assembly.
1553, Oct. 6	S. Paul's ..	Archbishop Cranmer in prison	Q. Mary	Conc. M. B. iv. 88	Pretended Provincial Synod, with continuations to Dec. 13.
1553, Oct. 6	York	Archbishop Holgate in prison	Q. Mary	Ibid. 88	Pretended Provincial Synod.
1554, April 3	S. Mary's, Oxford	Archbishop Cranmer in prison	Q. Mary	Ibid. 94	Pretended Provincial Synod.
1554, April 5	S. Paul's ..	Archbishop Cranmer in prison	Q. Mary	Ibid. 94	Pretended Provincial Synod, with continuations to Oct. 5.
1554, Nov. 13	S. Paul's ..	Archbishop Cranmer in prison	Q. Mary	Ibid. 94	Pretended Prov. Syn., with continuations to Jan. 26, 1555 N.S.
1555, Oct. 22	S. Paul's ..	Archbishop Cranmer in prison	Q. Mary	Ibid. 120	Pretended Provincial Synod, with continuations to Nov. 15.
1555, Dec. 2	King's Chapel, Westminster	Archbishop Cranmer in prison	Q. Mary	Ibid. 131	Papal Legatine Synod of both Provinces, continued in Feb. in Lambeth Palace, and prorogued in Lambeth Chapel.
1556 N.S., March 4	York	Nicholas Heath intruded	Q. Mary	Ibid. 120	Pretended Provincial Synod.
1556, Oct. 10*	.....	Cardinal Reginald Pole	Q. Mary	Ibid. 142	Pretended Canterbury Provincial Synod.
1557, May 10*	.....	Cardinal Reginald Pole	Q. Mary	Ibid. 141-2 ..	Pretended Canterbury Provincial Synod.
1558 N.S. Jan. 21†	S. Paul's ..	Cardinal Reginald Pole	Q. Mary	Ibid. 155	Pretended Provincial Synod, continued to March 8, 1558 N.S.
1558 N.S.	.....	Nicholas Heath intruded	Q. Mary	Ibid. 170	Pretended York Provincial Synod.
1558, Nov. 11	.....	Cardinal Reginald Pole	Q. Mary	Ibid. 178	Pretended Canterbury Provincial Synod, continued to Nov. 17.
1559 N.S., Jan. 24	S. Paul's ..	See vacant	Q. Elizabeth ...	Ibid. 179, 182	Pretended Provincial Synod, continued to May 9, 1559
1559 N.S., Feb. 10	York	Nicholas Heath intruded	Q. Elizabeth ...	Ibid. 181-2 ..	Pretended Provincial Synod, continued to April 15, 1559.

* It seems highly probable that these were only the continuations of Cardinal Pole's legatine synod, where nothing was done, although these assemblies are designated as Canterbury Convocations. Vid. inf. in loc.

† There is an evident misprint in Conc. M. B. here, Jan. 1 being put for Jan. 21.—See Wake's State, 499. Coll. vi. 173.

A.D. 1553. Archbps., Thomas Cranmer, Robert Holgate.

same direction, and with the same force upon every body. Besides, we are to consider that such managements allow hypocrites to pass with an easier motion than honest men, an event not desirable either in the directions of Church or State.

II. Accession of Q. Mary I.

Our present period commences with the imprisonment [d] of Archbishop Cranmer; but it is necessary just to glance at some circumstances which preceded that event.

[d] Sept. 14, 1553.

On the 3rd day [dd] of August, 1553, Q. Mary I., surrounded by much solemn pomp and hailed by popular acclamations [e], made her entry into London as queen of England. And though her words [f] at first were smoother than oil, yet her acts soon shewed themselves to be very swords. A Romanist by conviction from her infancy, she began at once by every means within her power to unsettle the foundations of the reformation, to re-establish the papal authority in England, and to bring back again those corruptions in religion from which this Church had disengaged herself by her own inherent authority, and in the due exercise of her proper synodical powers.

[dd] Warner, Ecc. Hist. ii. 319.
[e] Hume, c. xxxvi. p. 374.
[f] Warner, ii. 320-3.

III. The queen and her parliament unite in persecuting the Church of England.

In Q. Mary I. the court of Rome found an assistant no less willing than her predecessors, K. William I. and K. John and K. Henry III., to aid in reducing the Church of this land under the papal yoke. Nor was the queen alone engaged in this work. The parliament united with her in unholy alliance.

The part which Q. Mary took in the enterprise was to imprison the archbishops of both provinces, to deprive or force to resignation eleven bishops, and, according [g] to Warner, in all about 9000 clergy [2]. "In a word," to use the phrase [h] of a learned author, "the queen cut down all that had been done in the reformation in seven years before; and then for want of canonical ordination on the one side, and under colour of uncanonical marriages on the other, there was presently such a remove among the bishops and clergy as it is not any where to be paralleled in so short a time."

[g] Warner, Ecc. Hist. ii. 347, and see Coll. vi. 63, 64.
[h] Geeves' Hist. of the Ch. of Great Britain, p. 185.

The part which the [i] parliament took was to repeal [j] those

[i] Foxe's Acts and Mon. ii. 1339.
[j] By 1 Mar. sess. 2, c. 2.

[2] Fifty-one clergy were ejected within the jurisdiction of the dean and chapter of York alone in the year 1554.—Conc. Mag. Brit. iv. 88.

acts passed in K. Edward VI.'s time, which gave civil sanction to the reformed[k] liturgies and offices[l], and which had also ratified the synodical decisions respecting[m] the marriage of the clergy. Thus having withdrawn the authority of the state from the synodical acts of the Church, the parliament itself appears to have usurped the functions and authority[n] of a national synod, for without the consent of the Church it[o] enacted that mass should be restored after the 20th day of December, 1553; and that in place of the reformed liturgy the old Roman services should be used. And not only were the corrupt service books of Rome thus authorized by civil enactment, but, further, the reformed offices which had been canonically established by the synodical authority of the Church of England were emphatically forbidden by statute[oo].

A. D. 1553. Q. Mary.

k 2 Ed. VI. c. 1. 5 & 6 Ed. VI. c. 1.

l 1 Ed. VI. c. 1.

m 2 & 3 Ed. VI. c. 21. 5 & 6 Ed. VI. c. 12.

n See Coll. vi. 24.

o 1 Mar. sess. 2, c. 2.

oo 1 Mar. sess. 2, c. 2.

The funeral, indeed, of K. Edward VI. had been solemnized in accordance[p] with the reformed liturgy on August the 12th, the communion office being added; but then we are to consider that the parliament not having yet assembled, its authority could not be interposed to forbid the use of the authorized rites and ceremonies of the Church of England. But in this respect matters were soon changed, for in the month of October the parliament met, and forthwith the rights and liberties of the Church fell prostrate.

p Warner, ii. 323.

Indeed at the opening[q] of parliament the service was performed according to the Roman ritual, on which the[r] Bishops of Lincoln and Hereford, Taylor and Harley, either withdrew or, as some say, were violently expelled from the house. But by what just authority this change was made in the service of the Church of England is not altogether clear, considering that, by the acts[s] of her synods and by the authority[t] of the civil legislature too, the English Prayer Book was at that time the formulary of public offices ratified both by Church and State. And when that act[u] of parliament was passed shortly after, by which the English Prayer Book was abolished and the Roman ritual introduced, the House of Lords, at least, must have been guilty of some very scandalous prevarication. For within two years before they had passed the act[v] for the establishment of the reformed ritual, only seven[w] or eight of their lordships being opposed to such a measure, so that their present conduct seems no ways excusable. To disentangle them from

q Warner, Ecc. Hist. ii. 330.

r Fuller, Ch. Hist. b. viii. p. 11.

s Art. 35 of 1552-3.

t 5 & 6 Ed. VI. c. 1.

u 1 Mar. sess. 2, c. 2.

v 5 & 6 Ed. VI. c. 1.

w Warner, Ecc. Hist. ii. 330.

A. D. 1553. Archbps., Thomas Cranmer, Robert Holgate.

much blame would require arguments more ingenious than common. For on one occasion or the other they must have dissembled their sentiments, or, what is equally shocking, they must have been on both absolutely indifferent on the subject of religion. As for the lower house, since it did not consist of the same members as before, but as artifice [x], fraud, and even violence at the elections for the new parliament were practised to fill that assembly with men whose sentiments concided with those of the court, some plea for the sincerity of their acts may be put in.

[x] Warner, Ecc. Hist. ii. 331.

The event at any rate was disastrous for the Church of England. For the queen by an extravagant extent of the regale struck down all ecclesiastical rights and liberties with her sceptre, and then parliament followed up the assault, completing the demolition by a blow of the speaker's mace.

IV. The clergy generally unwilling to recede from the principles of the reformation.

For we are to observe that the clergy were generally unwilling to recede from the principles of the reformation, and it was only by royal and parliamentary force that abuses which had been discharged were now restored. Upon the accession of Q. Mary the reformed service of the Church did not at once cease; still "the ministers [y] performed the worship of God, and celebrated the holy sacrament, and used the common prayer diligently and constantly." And, further, after parliament had most unconstitutionally forbidden the Church's reformed liturgy without consulting her lawful synods, we are informed that when mass was set up in the metropolitan's cathedral at Canterbury, and "the priests [z] were forced to say it, yet it was utterly contrary to their wills." Indeed one of them made bold, after he had been forced into compliance, to mount the pulpit and desire the people to forgive him. "For," said he, "I have [a] betrayed Christ, but not as Judas did, but Peter."

[y] Strype's Cranmer, p. 312.

[z] Strype's Cranmer, p. 304.

[a] Strype's Cranmer, p. 305.

Indeed so difficult was it to provide the parishes with clergy who would conform to the court views in religion, that special provision was made by articles sent by the queen to both the provinces of Canterbury and [b] York in this emergency. It was ordered [c] by one of those documents, that the parishioners, "where priests do want," should repair to the next parish for divine service; and, moreover, that until provision could be made one curate should serve "in divers parishes [d]."

[b] Conc. Mag. Brit. iv. 90.

[c] Art. 10.

[d] Art. 10.

V. Deprivations of the English clergy.

And now not only was the decision of the Church of England in her lawful provincial synods not taken upon matters which affected her very existence, but most effectual care was taken that she should not speak with her proper voice. For on the 14th day of September, Thomas Cranmer, archbishop [e] of the southern province, was committed [f] to the Tower. On the 4th [g] day of October Robert Holgate [h], archbishop of the northern province, was confined within the same walls. And so the language of Gardiner, bishop of Winchester, in his sermon at Paul's cross, appears to have been fully warranted when he said before K. Philip and Cardinal Pole, "We had [i] no head at all."

But not only was the Church [j] thus deprived of a head, her body [k] suffered the severest mutilations. Within a few months John [l] Taylor, bishop of Lincoln, John [m] Hooper, bishop of Worcester, John [n] Harley, bishop of Hereford, Robert [o] Farrar, bishop of S. David's, John [p] Bird, bishop of Chester, Miles [q] Coverdale, bishop of Exeter, Nicholas [r] Ridley, bishop of London, and John [s] Poynet, bishop of Winchester, were deprived, and some of them imprisoned. William [t] Barlow, bishop of Bath and Wells, Paul [u] Bush, bishop of Bristol, and John Scory [v], bishop of Chichester, were forced to resignations [w]; and we are to consider that all these proceedings took place upon the strength of the regale, and not under any synodical or proper ecclesiastical authority.

Among [x] the lower clergy [y] a like havoc was made. Those [z] who [a] were married, a state of life which had been authorized both by ecclesiastical and statute law, or who did not conform to the royal views in religion, were [b] ejected in vast numbers; "upon [c] which smiting of the shepherds it is not to be wondered at if their flocks were scattered."

> "The sacred streams flow backwards; Justice is no more;
> For all again is overthrown [3]."

VI. The convocations now no provincial synods.

With Q. Mary's first parliament a convocation [d] was summoned [e] by *royal writ*, in which document it is somewhat startling to observe,

A.D. 1553. Q. Mary.

[e] Fuller, Ch. Hist. b. viii. p. 10.
[f] Strype's Cranmer, p. 307.
[g] Heylin's Hist. Ref. 210.
[h] Strype's, Cranmer, p. 307. Fuller, Ch. Hist. b. viii. p. 10.
[i] Strype's Cranmer, p. 309.
[j] Strype's Mem. iii. 50.
[k] Fuller, Ch. Hist. b. viii. p. 10, and see Coll. vi. 64. 67.
[l] Strype's Cranmer, p. 309.
[m] Strype's Cranmer, p. 309.
[n] Strype's Cranmer, p. 309.
[o] Strype's Cranmer, p. 309.
[p] Strype's Cranmer, p. 309.
[q] Strype's Cranmer, p. 310.
[r] Strype's Cranmer, p. 310.
[s] Strype's Cranmer, p. 310.
[t] Strype's Cranmer, p. 309.
[u] Strype's Cranmer, p. 310.
[v] Heylin's Hist. Ref. p. 195.
[w] Fuller, Ch. Hist. b. viii. p. 10.

[x] Godwyn's Life of Q. Mary. Comp. Hist. ii. 336. [y] Coll. vi. 19. Heylin's Hist. Ref. 192. [z] Strype's Cranmer, p. 310. [a] Strype's Mem. iii. 108, seq. & Coll. vi. 63. [b] Heylin's Hist. Ref. p. 192. [c] Heylin's Hist. Ref. p. 195. [d] Warner, Ecc. Hist. ii. 335. [e] Heylin's Hist. Ref. p. 199.

[3] ἄνω ποταμῶν ἱερῶν, κ.τ.λ.—Eurip. Med. 411.

A. D. 1553. Archbps., Thomas Cranmer, Robert Holgate in prison.

notwithstanding the complexion of the court views in religion, that her majesty retained the title of "supreme[f] head on earth of the Church of England." But to consider this assembly as a provincial synod of the English Church would be by no means reasonable. In the first place[g] the Archbishop of Canterbury was in the Tower, deprived by no synodical decision, but as a prisoner of state; and was there detained during the whole time of the sessions of this assembly, so that he could[h] not perform his duty to God and the Church. Bonner, a furious supporter of the papal cause, was intruded into Cranmer's place[i] as president. The deans and archdeacons had been deprived for marriage[j], or for other reasons which moved the court to such an extent, that but six of that rank who maintained the reformed doctrines are found[k] among the members[l]. And as for the proctors, such influences[m] had been set at work, "and so partially[n] had the elections been returned from the several dioceses, that we find none of K. Edward's clergy" among them. All this notwithstanding, endeavours have been made to assert for the convocations in this reign the authority of provincial synods; and it has been said that there "is[o] not a shadow of proof" for the assertion that the clergy were not now duly represented. Surely more caution in such a quarter and upon such a subject might have been expected. For to call these assemblies provincial synods of the English Church would be to apply a name to them no way warrantable. If at this time more than half of the ministers of the Scotch Kirk were ejected, and Roman Catholic priests intruded into their places, and a packed synod was then summoned, our northern neighbours would be loth to allow to such a meeting the name or authority appertaining to their "general assembly."

[f] Geeves' Hist. Ch. of Great Britain, p. 186.
[g] Ibid.
[h] Ibid.
[i] Ibid.
[j] Strype's Cranmer, p. 310.
[k] Heylin's Hist. Ref. p. 199.
[l] Fuller's Ch. Hist. b. viii. p. 11.
[m] Warner, ii. 335.
[n] Heylin's Hist. Ref. p. 199. and Geeves, p. 186.
[o] Rev. R. I. Wilberforce on Supremacy, pp. 256-7.

VII. Pretended provincial synod of 1553.

Some account, however, of this meeting, which under the circumstances now affecting the convocations must absolutely be denied the name or authority of a provincial synod of the English Church, may here be desirable.

On the 6th of October the pretended provincial Synods of Canterbury[p] and York both met. As regards the latter it is only necessary to remark that their metropolitan, Robert Holgate, was imprisoned[q] with his brother archbishop, so that the

[p] Conc. Mag. Brit iv. 33.
[q] Strype's Cranmer, p. 307.

proper authority, in this respect, of the two convocations was equally disabled. A. D. 1553. Q. Mary.

Harpsfield's sermon.

The Canterbury Convocation[r] met at S. Paul's. Bonner's chaplain[s], Harpsfield, preached in the cathedral upon the text "take[t] heed therefore unto yourselves, and to all the flock, over the which the Holy Ghost hath made you overseers."

[r] Foxe's Acts and Mon. ii. 1340.
[s] Coll. vi. 37.
[t] Acts xx. 28.

From these words he took occasion to remark, 1st, how[u] closely S. Paul's practice agreed to his doctrine on this head; 2ndly, how[v] widely the English clergy had of late departed from the apostolic exhortation; and 3rdly, he pointed out the[w] means by which he conceived the obligation imposed by the text would best be discharged, inserting also a very tragical relation as to the state of the Church in K. Edward VI.'s days. While speaking on his second division, Harpsfield became exceedingly[x] rough in his language, making charges of a scandalous character against the clergy. Epicurism, incontinence, flattery, covetousness, vain glory, ignorance, were faults imputed to them in unmeasured terms. He then accused them of "tearing[y] the Lord's flock and sending souls to hell," and finally, his language descending as his temper rose, he carried his expressions to the[z] last degree of coarseness and impropriety; venting accusations[a] more railing than Michael the archangel dared to bring even against the devil.

[u] Strype's Cranmer, p. 322. Coll. vi. 37.
[v] Strype's Mem. iii. 41.
[w] Strype's Mem. iii. 42.
[x] Strype's Mem. iii. 41.
[y] Strype's Cranmer, p. 323.
[z] Strype's Cranmer, p. 323.
[a] Jude 9.

Dr. Hugh Weston prolocutor.

The lower house[b] was fitted with a prolocutor[c] of like views with Bonner, the intruded president. This was Dr. Hugh Weston[d], also intruded as Dean of Westminster, in the place of Dr. Cox. This Dr. Weston[e] is said to have had an impediment in his speech, which one might suppose would have given him time, when engaged in debate, to recollect himself and guard his language with[f] greater caution than was his wont. In the second session he was presented to the bishops by William Pye, dean of Chichester, and John Wimsley, archdeacon of London, who both made speeches on the occasion.

[b] Heylin's Ref. 199.
[c] Conc. Mag. Brit. iv. 88.
[d] Geeves, p. 186.
[e] Strype's Mem. iii. 42.
[f] Warner, ii. 337. Fuller's Ch. Hist. b. viii. p. 11. Coll. vi. 46.

Mr. Pye's speech.

Mr. Pye[g], in presenting the new prolocutor, bemoaned the overthrow of the papal doctrines, and urged the necessity of zealous endeavours to restore them. For this purpose he thought the present assembly would be

[g] Strype's Mem. iii. 43. See also Strype's Cranmer, p. 335.

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useful, and reminded the members that to secure orderly management one of them had happily been selected as moderator. He then pointed out the person on whom the choice had fallen, and whom he somewhat coarsely flattered, and so closed his address with a clumsy metaphor drawn from a palm tree, to which he compared the newly-elected prolocutor.

Wimsley's speech.

As for Wimsley's speech, he[h] paid an extravagant compliment to the "witt," "learning," "eloquence," "experience," "dexterity," and universal virtues of the lower house of convocation, from which he said there arose some embarrassment as to the person fit to be selected from the midst of so much worth. Then warming upon his subject even to romance, he[i] compared the convocation house to a field, the members to flowers, and the prolocutor to a garland culled from among them with distinguishing care. Finally, with a broad commendation of Weston, whose name he said was "renowned through Britain," he presented him for their lordships' approval.

[h] Strype's Mem. iii. 44.

[i] Strype's Mem. iii. 44.

The prolocutor's speech.

After the prolocutor[j] was confirmed, he in turn made an harangue, wherein he preferred others in the assembly before himself for ability to discharge the duties to which he was appointed. He spoke of bringing religion back to its state before the reformation, and passed a compliment upon the few bishops present, by suggesting that they were even more eager to reach this goal than himself. A still higher compliment he bestowed on her majesty, who in this race, as he said, "outran" even the bishops. He then proceeded to call the queen[k] a "heaven-sent dove," and with some exaggerated expressions of adulation to liken her[l] to the Emperor Theodosius. Next he compared this pretended provincial synod with the Council of Nice; and her majesty's respect for the bishops was likened to that of Constantine, who, in the aforesaid council, was content to shew great reverence towards the heads of the Church by occupying a humbler place. Jovinianus in turn became the subject of praise, who had required of Athanasius instruction in religion, and who on his entrance into the empire had restored the ejected Catholic bishops; and here the prolocutor drew a parallel between Q. Mary and that emperor, in that she had called the Athanasiuses now addressed from[m] all corners of

[j] Strype's Mem. iii. 44.

[k] Strype's Mem. iii. 44.

[l] Strype's Mem. iii. 45.

[m] Strype's Mem. iii. 45.

the kingdom to define matters of religion. Dr. Weston then quoted from S. Chrysostom. and ran out into some unwarrantable expressions with respect to the late imprisonment of Gardiner and Bonner, now part of his audience, drawing a comparison between them and that Father of the Church, and saying also that their sufferings had been greater than those of John the Baptist. After this he ended by beseeching their lordships that its ancient authority might be vindicated by the convocation, and added what was not in accordance with the truth, that all things had been before done without its counsel and consent.

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Bonner's speech.

When Weston had finished, Bonner, as president, made a concluding speech. He[n] complimented the convocation on their understanding, unanimity, impartiality, and honesty. He told them that they deserved the thanks of the bishops for having chosen an unexceptionable prolocutor, and that they might expect for so pious an act the commendations of the clergy and people, and what was better, a still higher reward from God. He assured them that Dr. Weston would not only make wholesome suggestions for their proceedings and handle all affairs with dexterity, but would, from the great favour he was in with the queen, be able to bring all to a successful issue. Lastly, the bishop commended them to the guidance of their prolocutor, and the dispatch of such business as should come before them, promising in his own name and in that of the rest of his brethren to aid their endeavours for promoting the Christian religion and advancing the best interests of the kingdom.

[n] Strype's Mem. iii. 46.

Haughty behaviour of the bishops.

Notwithstanding these smooth words, it is said that the bishops sitting in this convocation (who on account of the imprisonments and deprivations which had taken place among that order, amounted only to seven or eight at most) carried themselves[o] with unwonted loftiness towards the lower house. For whenever they were present they kept the inferior clergy standing and uncovered, how long soever it might be. In fact they were infected with the spirit of Romanism, and so disregarded the models of the ancient synods, where only the deacons stood, while the presbyters, those of the second thrones[p], sat with the bishops. One[q] who was probably a member of this convocation makes

[o] Strype's Mem. iii. 49.

[p] Bing. Eccl. Ant. b. ii. c. 19, s. 5.

[q] Dr. Turner, dean of Wells.

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a doleful complaint of the conduct of these few prelates. "As long [r]," he says, "as the clergy tarry in the bishops' convocation-house, so long must they stand before their lords, though it be two or three hours, yea and be the weather never so cold, or the men never so sickly, bareheaded."

Sundry heads of business proposed.

On the 13th [s] of October it was signified [t] to the lower house by the prolocutor that it was the queen's pleasure that a debate should be entered into on some controverted points, with a view to frame at [u] the next meeting [v] canons for her majesty's ratification. Dr. Weston also now introduced [w] the subject of K. Edward's catechism before alluded to [x], which had been bound up with the forty-two articles of 1552-3. He denied that the former work had ever been authorized by convocation, and charged [y] the book with heresy. Moreover, he exhibited two schedules for subscription by the meeting, one denying the synodical authority of this catechism, the other asserting the doctrine of transubstantiation. These papers were signed by the present members, with the exception of five [z]. Those who refused were Philips [a], dean of Rochester, Haddon, dean of Exeter, Philpot, archdeacon of Winchester, Cheyney, archdeacon of Hereford, and Ailmer [b], archdeacon of Stow; and these, indeed, together with [b] Young, the precentor of S. David's, were the only members of this convocation who held the reformed doctrines; so numerous had been the deprivations [c] for marriage, and so carefully had this assembly been packed by undue influences [d].

Disputation on the doctrine of transubstantiation in the lower house.

A disputation was now ordered on the subject of transubstantiation, and a request was made on the part of those who maintained the reformed doctrines that Bishop Ridley and some other divines who held their views should assist; but this advantage could not be obtained, inasmuch as some of the persons proposed were prisoners.

The [6] disputation [e] was, nevertheless, fixed for Monday, October 23. Whether the upper house took any part on this occasion is not quite clear. Certainly the speakers all be-

r Strype's Mem. iii. 49.
s Conc. Mag. Brit. iv. 88.
t Coll. vi. p. 30.
u Conc. Mag. Brit. iv. 88.
v Oct. 20.
w Heylin's Hist. Ref. p. 199.
x Vid. sup. chap. xi. p. 485.
y Coll. vi. 38.
z Conc. Mag. Brit. iv. 88.
a Coll. vi. 38.
b Strype's Cranmer, p. 322.
c Strype's Cranmer, p. 310.
d Heylin's Ref. p. 199.
e Foxe's Acts & Mon. ii. pp. 1340—1347.

[5] For their opinions see Collier's Hist. Records, No. 68 repeated.

[6] A small printed copy of this disputation exists, which I have consulted, in the British Museum.

longed [f] to the lower. Indeed it may be doubted whether any upper house, at least rightly deserving the name [g], could be constituted after such havoc as had been made among the rulers of the Church. When the day for [h] the disputation arrived a great number [i] of the nobility [j] and persons of figure appeared to hear the debate. Haddon and Ailmer at first refused to enter into controversy, unless those persons whose aid they had requested were allowed to assist. But Cheyney, archdeacon of Hereford, undertook himself to combat the doctrine of transubstantiation. He argued from 1 Cor. xi. 26, where the holy eucharist is called bread after consecration; and cited Origen, Hesychius, and Theodoret [k] (who speaks of the elements as continuing in their former nature and substance) in order to confirm his view. The prolocutor appointed Dr. Moreman to oppose Cheyney. In respect of the quotation from S. Paul Moreman's argument was feeble, and in answering the testimony of Theodoret his reasoning was still worse. Ailmer and Philpot [l] on this reinforced Cheyney, and striking with force and precision drove their arguments home and silenced Moreman.

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[f] Warner, ii. 336.
[g] Strype's Mem. iii. 49.
[h] Foxe's Acts & Mon. ii. 1340.
[i] Warner, ii. 336.
[j] Coll. vi. 39.
[k] Dialog. ii. p. 85.
[l] Coll. vi. 40.

Next came Philips, dean [m] of Rochester, on the reformed side. He cited a testimony [n] from S. Austin when speaking on our Lord's words, "but me ye have not always." Dr. Watson endeavoured to take the edge off this argument by a counter-quotation from the same Father, upon which Philpot replied that Watson's reasoning was foreign to the subject. The prolocutor then engaging with Philips and Philpot threw in some "unintelligible [o] distinctions," upon which the latter gentlemen retired upon subtleties in grammatical constructions.

[m] Foxe's Acts & Mon. ii. 1340
[n] In Johan. Trac. 50. John xii.
[o] Coll. vi. 41.

After this Philpot and Philips entangled Moreman in an argument with respect to the eucharistic bread which our Lord ate in his last supper. They strove by this means to reduce Moreman's views to an absurdity. The latter becoming embarrassed Harpsfield stepped in to disengage him, but found his weapons turned upon himself: on which the prolocutor interfered, but without much force; and thus ended the day's debate.

The disputation was renewed again on October 25 [oo]. Philpot had prepared a Latin speech supported by testimonies;

[oo] Foxe's Acts & Mon. ii. p. 1342.

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but the prolocutor suspecting some disadvantage to his party from this course of proceeding enjoined on Philpot to debate in English. He drew his arguments from Matt. xxviii. 6, Luke xxiii. 5, and John xvi. 28; and lastly cited S. Cyril when speaking on John xvi. 29, in order to disable an exception which he foresaw might be taken against his interpretations. To him Dr. Chedsey made answer and denied that the texts cited by Philpot referred to the subject in hand, producing a passage from S. Chrysostom[p] to fortify his own exposition of them. But "after some clashing between Philpot and the prolocutor," the former appears to have disengaged the testimony of S. Chrysostom as to the point in question, upon which the prolocutor feeling the blow heavy, and fearing lest his adversary should press on further, bid him desist. Philpot here thinking himself ill-used at not having been permitted to exhaust his weapons, complained that he had not finished yet "with one argument, and that he had eleven[q] more to urge." However Weston was unwilling to stand so lengthened an assault, for his answer was, "hold your[r] peace or I will commit you to prison," which, to say the least, seems a threat much at variance with the promise held out on the previous Sunday at S. Paul's, "that all objections should be answered in this dispute."

Next followed a passage between[s] Ailmer and Moreman, in which the latter again became so much entangled in his arguments that he desired a day's respite in order to reconsider and arrange them. Haddon then pressed Dr. Watson on the passage in Theodoret[t] before alluded to, when Watson, being in a strait, questioned the Latin translation, which was, however, justified by a comparison with the Greek.

Perne who had[u] subscribed in favour of transubstantiation, now argued against it, for which "he was checked by the prolocutor." Upon this Ailmer took leave to charge the latter "with breach of promise," for it seems Weston had engaged that every one might speak his mind notwithstanding his subscription; besides, Ailmer reminded them that it was but reason that a man should have liberty "to recollect himself," gather up his thoughts, "and alter his opinion" upon sufficient discoveries. Night now coming on the assembly rose; Weston commending[v] their abilities and learning, but re-

p Chrysost. ad Pop. Antioch.

q Coll. vi. 44.

r Warner, ii. 337, and Fuller, Ch. Hist. b. viii. p. 11.

s Coll. vi. 44.

t Dialog. ii. 85.

u Coll. vi. 44.

v Coll. vi. 45.

minding them that all discussions of this nature must be overruled according to "the decisions of holy Church," by which he meant the corrupted Roman branch of it. A.D. 1553. Q. Mary.

The dispute was renewed[w] on the 27th of October, when Haddon and Watson were again engaged over the passage from Theodoret[x] before alluded to. Upon that father's assertion with respect to the sacramental elements Haddon framed a syllogism which overset Watson, and so far disconcerted him that he took the freedom to call Theodoret a Nestorian. Cheyney then argued[y] against transubstantiation from a passage in Irenæus, and from another in Hesychius relating to the custom of burning the symbols. Watson, wished to avoid this argument, but Cheyney pressing it received no satisfaction, either from Watson or from Morgan who came to his rescue; so Harpsfield endeavoured[z] to relieve them both by arguing from the extent of God's omnipotency, and the feebleness of man's understanding.

[w] Foxe's Acts & Mon. ii. p. 1344.

[x] Dialog. ii. 85.

[y] Coll. vi. 45.

[z] Coll. vi. 46.

After some more[a] clashing on this head the prolocutor appealed to the hearers whether the objections of Philpot and his party against the doctrine of transubstantiation had been sufficiently answered. To this some persons answerd "Yes;" but the majority by[b] far greater in number shouted "No." Weston, somewhat put out, said he did not desire the opinion of the unlettered "multitude, but only of the house," and asked the reformed divines whether they were now willing on their parts to respond to arguments which should be produced on the other side. "Haddon, Cheyney, and Ailmer refused," for, as the latter said, they had not engaged themselves to abide the regular "forms of a disputation," but only to assign their reasons for not subscribing the schedules produced by the prolocutor, which asserted transubstantiation. In this course they were prepared to proceed, and it was not just that they should stand on the defensive until their own arguments were answered. Besides it appeared[c] of little use to prolong discussion, as it was plain the house would decide against them.

[a] Coll. vi. 46.

[b] Coll. vi. 46.

[c] Coll. vi. 47.

Philpot, however, accepted the challenge, and was bold enough to say he would venture the contest even if he stood alone; upon which the prolocutor forgot himself, became intemperate in his language, and said the archdeacon "was[d] fit

[d] Fuller, Ch. Hist. b. viii. p. 11.

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to be sent[e] to Bedlam." Philpot in reply complained of partiality, and declared himself roughly treated. However, as he had undertaken to proceed with the argument another day was appointed for the purpose.

On the 30th of October[f] they met again[g], and now Philpot endeavoured to disprove "transubstantiation from the property of human bodies," and the impossibility of their being at once absent and present. In proof of this he adduced a passage from Vigilius, which, to say the least, appears somewhat unnecessary. Morgan took exception to this as not being scripture, on which Philpot "alleged[h] the text where our Lord is said to be like us in all things except sin," and joined to this the evidence of S. Peter, where he says of Him, that "the heavens[i] must receive Him until the restitution of all things." Hence Philpot argued, that if the heavens were to receive Him till the restitution of all things, the Lord could not here in the holy sacrament be corporally present. In order to shrink from this inference, Harpsfield retreated again behind the shelter of divine omnipotence; but it was replied that this attribute would hardly disentangle the present difficulty, unless we had scripture warrant for applying it to the case in hand. Upon this the prolocutor interposed, but his argument was metaphorical[j], and therefore wholly inadmissible in a logical discussion.

There then followed[k] some collision on the meaning of the word "oportet;" but as the different measures of obligation and the doctrine of necessities are subjects somewhat difficult of solution, it was impossible on this emergency for either party to give the other satisfaction. So Morgan at last asked Philpot "whether[l] he would be concluded" by the Church. To this Philpot consented, "provided it was the true Catholic Church," which, he said, must be based on scripture. Upon this Moreman, who had been overset in his arguments before, as we have seen, thought he perceived an opportunity for recovery, and so interposed, asking Philpot "whether the scripture was before the Church[ll]." Philpot said "yes;" but Moreman improved his advantage, and proved the Christian Church to have been antecedent to the scriptures of the New Testament. He said that the Christian Church began with our Saviour's resurrection at least; but that S. Matthew's gospel

[e] Foxe's Acts & Mon. ii. p. 1345.
[f] Conc. Mag. Brit. iv. 88.
[g] Coll. vi. 47.
[h] Coll. vi. 47.
[i] Acts iii. 21.
[j] Coll. vi. 47.
[k] Coll. vi. 47.
[l] Coll. vi. 47.
[ll] Ibid. vi. 48.

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was not written till about twelve years after our Saviour's ascension, and so that the Church certainly was before scripture. Philpot denied the conclusion, saying that Moreman's view of scripture was too narrow; that the term should not be confined to words formed by letters or delineated by pen and ink. He argued that "the salutation of the angel was scripture before it was written;" and that whatever God's Spirit dictated should be reckoned as scripture, though only laid up in the minds or delivered by the tongues of holy men. Here Philpot was exceedingly unconvincing in his argument, and failed, as one might have expected, to satisfy his adversary. Indeed this time Moreman seems to have had the best of the encounter, which made some amends to him for his former overthrows.

The prolocutor, whose morals[m] were no better than his manners, appears to have behaved throughout with indecent partiality. Instead of urging reasons with the meekness and charity of a divine, or the convincing logic of a philosopher, he argued after the fashion of a dragoon, sword in hand, for he cut all reason short with this unanswerable sally: "It[n] is not the queen's pleasure that we should spend any longer time in these debates, and ye are well enough already, for you have the word and we have the sword." In which outbreak he very precisely stated the different position of the reformed divines and of the Romanists throughout this reign.

[m] Strype's Mem. iii. 111, and see pref. to "Gardiner de verâ obedien." pp. 8—13 reprint 1553.

[n] Heylin's Hist. Ref. p. 200.

Philpot, who had reason to complain of the prolocutor's treatment, said he should be happy[o] to depart from the company, but Weston, in order now to make a shew of fair dealing, told him that his arguments should be heard, provided that he appeared under two conditions. 1st, That he should be dressed[p] in the habit of the house; and 2ndly, That he should not speak except by the prolocutor's order. "Then[q]," said Philpot, "I had rather be absent altogether, and so it seems departed the place."

[o] Fuller, Ch. Hist. b. viii. p. 11.

[p] Fuller, Ch. Hist. b. viii. p. 11.

[q] Fuller, Ch. Hist. b. viii. p. 11.

The reformers[r] were then requested to subscribe their opinions[7] on the subject of the holy communion, and thus ended this disputation, in which neither party made any approach towards giving the other satisfaction. Nor indeed

[r] Conc. Mag. Brit. iv. 88.

[7] The opinions of Philips, Haddon, Cheyney, and Philpot may be seen recorded in Collier's Eccl. Hist. Records, No. 68 repeated.

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could it have reasonably been expected that they would do so in a case like the present, where both were exercising themselves in matters too high for them, and arguing upon those deep mysteries of God which the human intellect fails to grasp, and which human language is inadequate to define.

Four articles defined by the upper house.

In this convocation[s] four articles appear to have been defined by the upper house, but whether they were ever even presented to the lower is not clear.

[s] Strype's Mem. iii. 48.

1. The first limited the administration of the communion to one kind.

2. The second asserted the doctrine of transubstantiation.

3. The third enjoined adoration and reservation of the eucharist.

4. The fourth speaks of the eucharistic sacrifice and its institution, defining by whom, for whom, and to whom it is to be offered.

From these heads[t] were framed the three propositions disputed[u] on at Oxford in the following April by Cranmer, Ridley, and Latimer, before royal commissioners composed of a committee of the convocation with associated divines from Oxford and Cambridge.

[t] Strype's Mem. iii. 49.

[u] Vid. infra, next page note.

The present pretended[v] provincial synod continued its sessions until the 13th of Dec. 1553[w], a week after the dissolution of Q. Mary's first parliament, when, by her majesty's writ directed to Bonner, this convocation was dissolved.

[v] Foxe's Acts & Mon. ii. 1347.

[w] Conc. Mag. Brit. iv. 88.

VIII. Pretended provincial synod of 1554.

The next convocation was summoned to meet in S. Mary's Church[x], Oxford, on the 3rd of April, 1554, and the solemnities usual[y] on the opening of the assembly were observed. But this convocation can have no better pretence than the last to the character of an English provincial synod, and that for the reasons before assigned[z]. Nor can such an appellation be properly applied to any of the succeeding convocations in this reign. From Oxford the assembly was continued to S. Paul's, London, where it met[zz] on the 5th April. Dr. Hugh Weston, whose temper and language in the last convocation appeared highly exceptionable[a], was again appointed prolocutor, and after some discussion a committee was elected who were to appear on behalf of the clergy at Oxford[b], in order to assist at

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[x] Conc. Mag. Brit. iv. 94.

[y] Conc. Mag. Brit. iv. 94.

[z] Vid. sup. pp. 495, 496.

[zz] Conc. Mag. Brit. iv. 94.

[a] Conc. Mag. Brit. iv. 94.

[b] Conc. Mag. Brit. iv. 98.

the now impending disputation between the Romanist divines on one side, and Archbishop Cranmer with Bishops Ridley and Latimer on the other. Rumours[c] had gained circulation that at the disputation in the convocation-house last year the Romanists were worsted; and indeed the acclamations[d] above referred to shewed what the opinions of the hearers were on that occasion. Upon this account the convocation and the two universities were authorized by the queen to appoint a body of divines to conduct this second disputation, but in the convocation[e] the subjects to be discussed were settled. They were three in number, and were framed upon the groundwork of the four articles, which we have seen were sanctioned last year by the bishops. The terms of them are given in the note[g].

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[c] Coll. vi. 72.

[d] Vid. sup. p. 503.

[e] Strype's Cranmer, p. 334.

The convocation appointed[f] the following members to act in their behalf at Oxford:—Dr. Weston, prolocutor, Dr. Oglethorp, Dr. Seton, Dr. Chedsey, Dr. Cole, Dr. Geffrey, Mr. Pye, Mr. Fecknam, and Mr. Harpsfield; and having nominated these gentlemen, nothing more was done by the assembly, which then was prorogued by sundry continuations until the following 27th of April.

[f] Conc. Mag. Brit. iv. 94. Strype's Cranmer, p. 335.

IX. Royal commission for the trial of Archbishop Cranmer, Bishops Ridley and Latimer.

The articles[g] mentioned in the note were sent down to Cambridge and approved by the senate, where also an instrument[h] bearing date April 10 was executed, appointing seven[9] of their doctors to proceed to Oxford, in order to take part in the dispute. To the committee of the convocation and the seven Cambridge doctors there were added at Oxford the chancellor of the latter university, the vice-chancellor, some professors and doctors, of whom we find five[1] names specified. These however cannot include the whole number, as

[g] Strype's Cranmer, p. 334, & Conc. Mag. Brit. iv. 98.

[h] Strype's Cranmer, Append. lxxvii.

[8] "1. In sacramento altaris virtute verbi divini a sacerdote prolati præsens est realiter sub speciebus panis et vini naturale corpus Christi conceptum de virgine Maria; item naturalis ejus sanguis.

"2. Post consecrationem non remanet substantia panis et vini, neque alia ulla substantia nisi substantia Christi, Dei et hominis.

"3. In missa est vivificum Ecclesiæ sacrificium pro peccatis, tam vivorum quam mortuorum propitiabile."—Strype's Cran. p. 334. Conc. Mag. Brit. iv. 98.

[9] J. Young, W. Glyn, R. Atkinson, Th. Watson, C. Scot, A. Langdale, T. Sedgwick.—Strype's Cran. p. 335.

[1] Drs. Holyman, Tresham, R. Marshall, Morwent, and Smith.—Strype's Cran. p. 335.

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the royal commissioners[i] in all amounted to thirty-three, of whom nine were supplied by the lower house of convocation, seven by the university of Cambridge, and most of the rest therefore it may be presumed were of Oxford.

[i] Strype's Cranmer, p. 335.

The commissioners met in S. Mary's church, Oxford, whither Archbishop Cranmer and Bishops Ridley and Latimer were brought having been lately removed from their prisons within the Tower of London.

[j] Coll. vi. 74.

Chedsey[j], Tresham, Weston, and Young were the most vocal antagonists on the Romanist side. Cranmer was charged by them with mistranslating or misrepresenting Justin Martyr, Irenæus, and other ancient fathers. Weston, moreover[jj], accused him of setting forth K. Edward's catechism in the name of the Synod of London, and said that nevertheless fifty members of that convocation had never heard a word of that book. Cranmer denied that the title was appended with his sanction, and maintained that he had complained himself to the council on the subject, and that they had answered that the book was so entitled because it was set forth during the session of convocation. As has before[k] been said, this special complaint of the catechism, without mention of the articles of 1552-3 bound up with it, is so far forth a corroborative evidence that those articles were synodically ratified.

[jj] Coll. vi. 74.

[k] Vid. sup. chap. xi. p. 486.

To go through the arguments between the reformed and the Romanists at Oxford before the royal commission is here needless, as it would be for the most part a repetition of the discussion held in convocation in the autumn of 1553. It is sufficient here to say that Archbishop Cranmer and Bishops Ridley and Latimer argued in turn upon the subjects proposed, but to great disadvantage, being overborne at times by the clamour of their antagonists in the divinity schools[l], where the disputation took place. Dr. Hugh Weston[m], whose temper was irritable and language indecent, again misbehaved himself remarkably, as he had done last year. His bearing and observations were rude to Cranmer, and flippant towards Ridley. Moreover, he indulged in personal reflections which, when introduced into a cause of so grave a character, are particularly unpardonable.

[l] Strype's Cranmer, p. 336.

[m] Coll. vi. 77.

The whole disputation is said to have been carried on in a

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disorderly manner, and though the Roman Catholic champions, being select men from both universities and well furnished with skill and learning, displayed much research and argued with force, yet unfair advantages were certainly taken by them, and their opponents were subjected to noise [n], clamour, and hard usage. The event was such as might have been foreseen.

[n] Coll. vi. 78.

Archbishop Cranmer and his two suffragans condemned as heretics.

The archbishop and his two suffragans were condemned [o] as heretics in S. Mary's church, on April 20, the whole disputation and the condemnation of these three martyrs before the commissioners being ratified under the seal of the university, and subscribed by the notaries.

[o] Strype's Cranmer, p. 340.

The sequel [p] of this dire tragedy is too well known. Each of the accused suffered for his faith at the stake,

[p] See Coll. vi. 120—122. 135—140.

"... et medios animam spiravit in ignes [q]."

[q] Ovid. Metam. lib. v. 106.

The commissioners' sentence presented to the convocation.

On the 27th [r] of April the sentence of conviction, ratified under the university seal, was presented to convocation by Dr. Weston, who [s] returned that week to London for the purpose. The canonical value of this document may be questioned, whatever may be thought of its constitutional worth. That an archbishop and two bishops should be tried [t] for heresy by a royal commission, was, to say the least, a novel proceeding. Such a management does not carry any appearance of primitive practice on the face of it; nor does this fact mend the matter, that all the [2] commissioners present were of the second order in the priesthood, upon which it may be observed that the power of the regale, even under Roman auspices, appears to have here disabled the canonical decrees [u] of the councils of Carthage and Trullo. However, the practice of the present day is to place in the hands of commissioners powers of such extravagant extent, that the proceeding may perhaps not seem so startling to modern observers as it reasonably should.

[r] Conc. Mag. Brit. iv. 94.

[s] Strype's Cranmer, p. 341.

[t] Coll. vi. 78.

[u] Coll. vi. 78, 79.

Sundry business in the convocation.

On the 30th of April the convocation again assembled, but nothing appears then to have taken place worthy of record, save that Walter

[2] The Bishop of Winchester's (Gardiner's) name appeared in the commission, but he neither was present at the disputation nor at the time of sentence.—Coll. vi. 78.

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Philips, dean of Rochester, who had maintained the reformed doctrines during the disputation last autumn in the convocation-house, now recanted his sentiments, and consented to subscribe to the schedules which he had then opposed. So sensible are the minds of some men to pressure from above.

Appointment of proxies.

On the 4th of May, however, an arrangement was made in the lower house of some importance, which involved two points.

[v] Conc. Mag. Brit. iv. 94.

1. In the lower house the whole[v] clergy agreed that proxies should be substituted by the members, and that all the powers of the parties who gave the proxies should be delegated to those who held them. On this point a novel doctrine has been started of late—that capitular and clergy proctors may not substitute their proxies. But this is much of a piece with other legal opinions on ecclesiastical matters, thrown off in our days at haphazard, though with shews of learning and authority. The right of capitular and clergy proctors to substitute proxies in the same manner as deans and archdeacons seems beyond all question plain from manifold precedents[3].

The aid of the universities invoked.

[w] Conc. Mag. Brit. iv. 94.

2. The second point settled in this session was, that whatever members[w] should happen to be present on any future occasions in the lower house might take upon themselves the responsibility of selecting any persons they pleased from the universities of Oxford or Cambridge to aid them in their deliberations.

These arrangements certainly carry a suspicious air on the face of them. It looks much as if the Romanizing party rather leant on the universities than on the Church for the maintenance and propagation of their views.

[x] Conc. Mag. Brit. iv. 94.

This convocation[x] ended on the 5th October, 1554.

X. The parliament and convocation of November 1554 meet.

[y] Fuller, Ch. Hist. b. viii. p. 15.
[z] Wake's State, p. 496.
[a] Conc. Mag. Brit. iv. 94.

A new[y] parliament and a new convocation met in the month of November. The parliament assembled on the 12th at Westminster[z], and the convocation on the 13th of that month in[a] S. Paul's Cathedral.

[3] Att. Rights, pp. 58. 510. 568, 569. 574 [618, 619]. Some Proceedings in the Convocation, A.D. 1705, faithfully represented, pp. 12—14. 21. Lond. 1708. Vox Cleri, p. 69. Lond. 1690.

A. D. 1554. Q. Mary.

Cardinal Pole addresses the parliament.

Cardinal Pole[b] now arrived[c] as papal legate[d] in England, and four days afterwards he addressed[e] the lords and commons assembled in the great chamber at Whitehall, Q. Mary her newly-married husband K. Philip being present and sitting in great state.

[b] Coll. vi. 86.
[c] Nov. 24.
[d] Conc. Mag. Brit. iv. 91.
[e] Coll. vi. 86.

His speech.

The cardinal took occasion to thank them for the repeal of his attainder; then dilating on the importance of his commission, being no less than that of reconciling this kingdom, as he said, to the Catholic Church, he hinted at the early ecclesiastical history of this country, in which he fell into[f] some vulgar errors—referring the first planting of Christianity here to the influence of the Roman see. Commending[g] the former fidelity of England, and passing[h] some compliments upon the learning of our countrymen, he remarked on the distinguishing respect with which the English had been treated by the Roman pontiff, and gave a tragical account of the calamities which overtook this and other nations who had separated from what he took leave to call "the[i] centre of unity and the head of the Christian communion." He then referred to the notorious and scandalous conduct of K. Henry VIII., and the penalties which had been annexed by the legislature to the non-observance of certain forms in religion, and expressing himself with some warmth[j] declared that there were heavier restraints on conscience in England than in Turkey. He reminded his audience that Rome might have been supported by ample military force in coercing England into obedience, but that she was willing to apply softer expedients, and that the happy juncture of the queen's accession, together with her marriage to a prince who inherited from his father so high a regard for the true faith, now gave promise of very blessed results. Next he drew a distinction[k] between two separate independent powers, the ecclesiastical and the civil; a distinction plain enough in itself, only that the cardinal mismanaged the topic, and asserted without sufficient warrant that, while princes were God's representatives[l] in the second division, the Pope of Rome was his representative in the first. Coming to the particular purpose of his own mission, the cardinal claimed the[m] authority of our Saviour Himself, of the Apostles, of

[f] Coll. vi. 87.
[g] Coll. vi. 87.
[h] Coll. vi. 87.
[i] Coll. vi. 88.
[j] Coll. vi. 88.
[k] Coll. vi. 89.
[l] Coll. vi. 89.
[m] Coll. vi. 89.

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the holy scriptures, and of all the Fathers, for the special prerogative of the Roman see, as charged with the power of the keys; and on the score of his legatine authority he proposed himself to exercise that prerogative in England. Still, notwithstanding his being armed with this remarkable power, he declined to press it until some obstructions[n] were removed on the part of his hearers; and so he let them know that it was necessary for them to repeal those statute laws by which the connexion between Rome and England had been severed. As his commission, he concluded, was "not to[o] pull down, but to build;" not to censure, but reconcile; not to compel, but invite; not to be over-severe in retrospection, but to forgive and forget the past, he desired them to put themselves in a position which would qualify them for the perception of the signal advantages suggested by him.

[n] Coll. vi. 89.

[o] Coll. vi. 89.

Parliament petition for the restoration of papal authority in England.

Either submission to royal authority, or the influence of Spanish gold, or the persuasiveness of the cardinal's speech worked remarkable effects on the Houses of Lords and Commons. If their subsequent conduct was the result of the last-mentioned cause, it may truly be said—

"... infausto committitur omine sermo[p],"

[p] Ovid, Metam. vi. 448.

for considering them as the representatives of their country, they proceeded to subject her to the last excesses of degradation in their own persons.

[q] Hume, c. xxxvi. p. 379.

Both houses of[q] parliament agreed that a petition should be addressed to the queen and her consort declaring in the name of the kingdom how much the parliament regretted that they had withdrawn[r] obedience from the Pope and enacted statutes against his authority; and they concluded with a promise that such laws should be repealed, and so beseeched Q. Mary and K. Philip that they[s] would intercede with the cardinal for pardon and absolution, and request him to place the kingdom again under the jurisdiction of Rome. It is true that some[t] few of the members of the House of Commons resisted this revival of papal authority, and spoke as became Englishmen; but the majority in favour of Rome prevailed there, and as for the House of Lords it

[r] Heylin's Hist. Ref. p. 212.

[s] Heylin's Hist. Ref. p. 212.

[t] Warner, ii. 358.

seems to have abandoned all sense of duty and religion. Their former opposition to Roman doctrines and papal power, when by such a course they secured the favour of their king and the spoils of hospitals, churches, and abbeys, as contrasted with their present forwardness to promote the extension of those same doctrines and of that same power when such proceedings would please their queen and tend to secure their ill-gotten gains, gives an ill aspect to their conduct. It is hard to escape from the conclusion that they had but a slender regard for religion, and set an unreasonably high value on earthly treasure. A.D. 1554. Q. Mary.

Parliament petition the queen and her consort to intercede with the cardinal for the reconciliation of England to Rome,

After the petition was duly prepared both houses of parliament attended the court on S. Andrew's [u] day, when Gardiner, bishop of Winchester, as lord chancellor asked the members whether they were pleased "to address [v] the cardinal for their pardon, to acknowledge the Pope's supremacy, and to return to the unity of the Church." Some of them cried "Yea;" and [w] as the rest said nothing their silence was taken for consent; so the petition was presented to Q. Mary and her consort by both houses, the [x] members falling upon their knees and praying their majesties, as they had not been themselves involved in schism, to intercede with the cardinal and use their good offices with him for the reconciliation [y] of the kingdom to the Pope, and for the reception of its inhabitants into the pale of the Roman Church.

[u] Nov. 30.

[v] Coll. vi. 90.

[w] Heylin's Hist. Ref. p. 212.

[x] Warner, ii. 358.

[y] Warner, ii. 358.

Cardinal Pole accedes to the request and absolves the parliament, the members kneeling.

Pole declared [z] a ready willingness to grant the [a] parliament their desire; and so having caused his legatine commission to be read publicly, he took notice how acceptable a sinner's repentance was in [b] the sight of God, and affirmed that the angels in heaven rejoiced at the recovery of this kingdom. Upon this the members of both houses of parliament kneeled down humbly upon their knees, and received the cardinal legate's absolution, pronounced in the following words:—

[z] Heylin's Hist. Ref. p. 212.

[a] Hume, c. xxxvi. p. 379.

[b] Heylin's Hist. Ref. p. 212.

The form of his absolution.

"Our [c] Lord Jesus Christ, which with his most precious blood hath redeemed and washed us from all our sins and iniquities, that He might purchase to Himself a glorious spouse without spot or wrinkle, and whom

[c] Heylin's Hist. Ref. p. 212, and Coll. vi. 90, and Conc. Mag. Brit. iv. 111.

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the Father hath appointed head over all his Church, He by his mercy absolve you. And we by Apostolic authority given to us by the most holy Lord Pope Julius III., his vicegerent here on earth, do absolve and deliver you and every of you with the whole realm and dominions thereof, from all heresy and schism, and from all and every judgment, censures, and pains for that cause incurred; and also we do restore you again unto the unity of our mother the holy Church, as in our letters more plainly it shall appear, in the name of the Father, the Son, and the Holy Ghost." These words [d] were responded to by a loud "Amen" on the part of those present, and the solemnities of the day were concluded by [e] a grand procession to the Chapel Royal, where a "Te Deum" was sung, and thanks were given to Almighty God.

[d] Heylin's Hist. Ref. p. 212.

[e] Coll. vi. 91.

Gardiner preaches on the subject at S. Paul's Cross.

Because this remarkable event took place on S. Andrew's day [f] the cardinal subsequently prevailed [g] with his legatine synod to make a canon that that festival should be kept in the Church as a "majus duplex," *i. e.* that it should be brought up to the solemnity of the greater holidays. And that the fact of the parliamentary absolution might be more publicly made known, on the Sunday following [h] an account of the day's proceedings was proclaimed by Gardiner, bishop of Winchester, in a sermon at S. Paul's cross. Cardinal Pole himself proceeded thither in great pomp from Lambeth by water, and in the company of K. Philip, the lord mayor, the aldermen, and notables of the city, listened to the discourse, which was upon this text, "Knowing the time, that [i] now it is high time to awake out of sleep." In treating his subject Gardiner found opportunity to detail the events of the previous Friday, and suggesting that this kingdom had then roused from slumber, he noticed the submission of lords and commons made to the Pope, and the consequent [j] absolution which they had enjoyed the advantage of receiving from his legate.

[f] Nov. 30.

[g] Heylin's Hist. Ref. p. 212. Coll. vi. 91. Vid. inf. p. 527.

[h] Dec. 2. Lingard, Hist. Eng. v. 453.

[i] Rom. xiii. 11.

[j] Heylin's Hist. Ref. p. 212.

An embassy dispatched to Rome.

The next [k] day it was [l] resolved that an embassy should be sent to Rome to tender the kingdom's [m] obedience to Julius III. For this purpose Anthony Brown Viscount Montacute [mm], Dr. Thirlby, bishop of Ely, and Sir Edward Karne were chosen. The news of these proceedings was so joyfully received in Italy, that [n]

[k] Dec. 3.

[l] Fuller, Ch. Hist. b. viii. p. 15.

[m] Coll. vi. 91.

[mm] Or Montague.

[n] Coll. vi. 91.

solemn processions were there ordered. A jubilee[o] was published and a[p] bull prepared for confirming the acts of the cardinal legate: the Pope considering that[q] it was an unusual instance of felicity to receive thanks from the English for his permission of that which he was anxious by all means in his power to bring about.

A.D. 1554. Q. Mary.

[o] Coll. vi. 91.
[p] Coll. vi. 91.
[q] Hume, c. xxxvi. pp. 379-80.

The foregoing events in English history are somewhat remarkable; and as we have seen before that the papal yoke was forced on this Church and realm by acts of sovereign power in the times of K. William I., K. John, and K. Henry III., so here we may observe not only the authority of the monarch exerted for this purpose, but the most abject acknowledgment of the papal claims on the part of the two houses of the imperial legislature. It requires under such circumstances an understanding more than ordinarily improved to perceive the justice of charging an abandonment of the ancient liberties of this Church of England upon her clergy, rather than upon the civil powers.

This parliament careful in securing the lay impropriations.

We are, however, to observe while this parliament displayed such surprising zeal in favour of the Pope, and hailed with such ready acceptance the imposition of a foreign yoke upon this Church and nation, that the object which seems to have eclipsed all religious considerations was lands and money. The members of this parliament[r] were above measure cautious to reserve their concessions to Rome until they had been repeatedly assured, both by the queen and the Pope's legate, that their sacrilegious gains obtained by the plunder of the churches, monasteries, and abbeys should not be inquired into. Not[s] however content with promises only, they took care to enact in the statute[t] which restored the Pope's authority in England a clause[u] securing to the present possessors all Church property, and freeing them from the infliction[v] of any ecclesiastical censures. And even when the queen was herself desirous to restore to the Church[w] the tenths and firstfruits, together with the impropriations which had been seized for the enrichment of the crown, and when a bill[x] was brought in upon the subject, the House of Commons raised a clamorous opposition against it. So scrupulous and full of care were our legislators of that day in respect of those treasures laid up where thieves may break

[r] Hume, c. xxxvi. p. 380.
[s] Hume, c. xxxvi. p. 380.
[t] 1 & 2 Phil. and Mar. c. 8.
[u] 1 & 2 Phil. and Mar. c. 8, s. 38.
[v] 1 & 2 Phil. and Mar. c. 8, s. 30.
[w] Hume, c. xxxv. p. 384.
[x] 2 & 3 Phil. and Mar. c. 4.

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through and steal; though they appear to have considered that heavenly treasures not subject to like dangers did not demand on their parts the like circumspection.

The convocation absolved by the cardinal legate.

The Convocation of Canterbury, as we have seen above[y], assembled acourse with this parliament. The former assembly met on Nov. 13. in S.[z] Paul's cathedral. Bonner again took the seat of president in place of the uncanonically deprived archbishop; and Dr. Henry[a] Cole, archdeacon of Ely, was elected prolocutor. This was, like its two immediate predecessors, an assembly packed with court divines, and offensively cringing to the cardinal legate, having no just claim to the appellation of an English provincial synod. The course which the parliament had adopted of a public humiliation before the legate's feet was followed by this convocation; and as though the Romanist clergy emulated the example set them by the lords and commons at Whitehall on Friday, the 30th of November, so they also betook themselves on the following[b] Thursday to Lambeth Palace, where[c], kneeling upon their knees, they sought and obtained from the cardinal pardon, as was asserted, for all their perjuries, schisms, and heresies. And in order that all the people of this country might partake of a like advantage, and testify their submission to the Pope, a general and formal absolution was pronounced by his legate.

y Sup. p. 510.
z Conc. Mag. Brit. iv. 94.
a Conc. Mag. Brit. iv. 94.
b Dec. 6.
c Heylin's Hist. Ref. p. 213.

Proceedings of that assembly.

The queen and her very exceptionable parliament seem to have kept this convocation tightly in hand, and to have pressed the members somewhat sharply, and that moreover up hill, to do the court work against inclination. For this assembly was by some means or other induced to address their majesties in order that they should intercede with the cardinal, and desire him not to be too nice in exacting the restitution of Church lands. Now that men should thus damage the interests of their own order, and, what is worse, prove unjust stewards of that which they thought committed to them as a divine trust, is calculated to surprise; nor is such a course likely to have been pursued except under the compulsion of some considerable external applications. However, the repeal of all the statutes which had been made against Rome was a sweeping measure, and so to dispose the members of the upper and lower houses of parliament towards

such a proceeding, it appears to have been necessary to supply them with full assurance that their temporal advantages should not suffer, though no guarantee seems to have been required against consequences which might happen to their spiritual interests. A.D. 1554. Q. Mary.

To fortify this assurance the help of the convocation was secured[d]. But the lower house seems to have practised somewhat more caution than the bishops at this conjuncture, and to have felt some presentiment that undue advantages might be taken. In order to provide against these the lower took occasion to send an address[e] to the upper house of convocation, of which the design was to gain somewhat of an equivalent for giving up all future claim to the Church lands which had been seized by the lay impropriators.

[d] Warner, ii. 359.

[e] Conc. Mag. Brit. iv. 96.

The lower house address the upper.

The substance of the address of the lower house[f] was digested into twenty-eight articles, which were introduced by an application of the following character.

[f] Conc. Mag. Brit. iv. 96, 97.

The clergy beg that, in concurring[g] with the settlement of the Church lands on the impropriators, the present legal rights of ecclesiastical persons may not be prejudiced; that the schools promised by statute[h] may be established; that tithes and oblations lately alienated may be restored; that the lands and endowments lately taken from cathedrals may be given back; that the statutes of mortmain made in the seventh year of K. Edward I. and fifteenth year of K. Richard II. may be repealed, and that the false doctrine which had been sown by evil teachers may be banished by their lordships' zeal for truth. Having closed this preliminary address, the lower house appended the twenty-eight[i] articles mentioned[4].

[g] See Coll. vi. 97.

[h] 1 Ed. VI. c. 12, s. 11.

[i] Conc. Mag. Brit. iv. 95—97, and Coll. vi. 98.

[4] The most remarkable points were these: "They desire to be resolved whether those who have preached heretical doctrines should be convened before their ordinaries or proceeded against by process according to ecclesiastical canons[a]. They desire that Archbishop Cranmer's book against the sacrament of the altar, that the Common Prayer Book, the ordinal, and sundry translations of the Bible may be burnt. That persons possessing such books may be compelled to deliver them up[b]. That no such books may be printed here or imported from abroad[c]. That the statutes against heretics may be revived, and the bishops and ordinaries restored to the jurisdictions respectively exercised by them in the first year of K. Henry VIII.[d] That statutes allowing pluralities and non-residence may be repealed[e], simoniacal contracts punished, and patrons lose their presentations if

[a] Art. 1.

[b] Art. 2.

[c] Art. 3.

[d] Art. 4.

[e] Art. 5.

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It seems that this convocation, as may be gathered from the second of these articles, was not only desirous to burn obnoxious books, but one of the members at least was ready to exercise the like rigour towards their authors. For as some of the reformers had been imprisoned and put to death without any legal process, but only by commissions from the queen and chancellor, an objection was started in the convocation[j] that they were condemned without warrant of law. Whereon Weston[5], sheltering under the legal maxim "conditio defendentis est melior," submitted to the assembly his counsel in these words: "It[k] forceth not for a law; we have a commission to proceed with them, and when they be dispatched let their friends sue the law."

j Strype's Cran. p. 349.

k Strype's Cran. p. 349.

The lower clergy, in addition to the twenty-eight articles above mentioned, signified a desire that bishops and their officials should be empowered (any statutes and customs not-

f Art. 6. they are guilty of abetting such mismanagements[f]. That the Church may be restored to the privileges guaranteed by Magna Charta, or at least may be replaced in the condition she enjoyed in the first year of K. Henry VIII. That

g Art. 7. first-fruits, tenths, and subsidies may be remitted[g]. That no attachment of præmunire may be awarded against any ecclesiastical ordinary before a prohibition. That the learned judges may be required to give a lucid explanation of the mysterious term 'præmunire[h].' That the statutes of 'provisors' be not too rigorously

h Art. 8. overstrained[i]. That 25 Hen. VIII. c. 19 may be repealed[j]. That the statute

i Art. 9 for finding of great horses by ecclesiastical persons may be repealed[k]. That

j Art. 10. usurers may be punished by the canon law[l]. That those who assault ecclesiastics

k Art. 11. may be punished by the canon law[m]. That ecclesiastics may be compelled to

l Art. 12. dress in their proper habits, according to their respective degrees[n]. That married

m Art. 13. priests may be divorced[o]. That all schoolmasters who do not hold the doctrines

n Art. 14. of Rome may be removed and their places supplied by those who do[p]. That

o Art. 15. places exempt may be put under the jurisdiction[q] of their spiritual ordinaries[r].

p Art. 16. That the cognition of tithe cases in London may be withdrawn from the jurisdiction of the lord mayor[s]. That tithes may be paid according to the canon law[t].

q See Coll. vi. 99, and Strype's Cran. p. 349. That abbey lands, which at the time of the dissolution were tithe free, may now be made titheable[u]. That those who are legally bound to repair chancels may be

r Art. 17. compelled to do their duty[v]. That the dues to priests pensioners may be duly

s Art. 18. paid[w]. That payments of personal tithes in towns may be enforced[x]. That

t Art. 19. some public animadversions may pass on married priests who decline to divorce

u Art. 20. their wives[y]. That nuns who had married may be divorced[z]. That in cases

v Art. 21. of divorce from bed and board, the husband may not, during separation, have any

w Art. 22. lien upon the goods of his innocent wife[a]. That churchwardens may be compelled

x Art. 23. to produce their accounts before the ordinaries[b]. That all ecclesiastical persons

y Art. 24. who had spoiled Church property may be compelled to make full restitution[c]."

z Art. 25.

a Art. 26.

b Art. 27.

c Art. 28.

[5] Strype has fallen into a mistake in calling Weston the prolocutor at this time. The office now was held by Dr. Henry Cole.

withstanding) to hear causes and proceed to judgment in sixteen specified cases[l], which it is needless to transcribe at length, but which affect church expenses[m], vicarial dues[n], church ornaments[o], clerks' fees[p], church lands[q], tithes of woodland[r], personal tithes[s], minor canons[t], common tables, marriage of the wives of priests lately divorced[u], sermons[v], simony[w], money payments to lay impropriators[x], tippling of priests[y], letting of glebe houses[z], union of small parishes[a], and Sunday and holy day markets[b].

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[l] Conc. Mag. Brit. iv. 97.
[m] Art. 1.
[n] Art. 2.
[o] Art. 3.
[p] Art. 4.
[q] Art. 5.
[r] Art. 6.
[s] Art. 7.
[t] Art. 8.
[u] Art. 9.
[v] Art. 10.
[w] Art. 11.
[x] Art. 12.
[y] Art. 13.
[z] Art. 14.
[a] Art. 15.
[b] Art. 16.

Such were the applications which the lower house of convocation made to the upper on this occasion. The members wished evidently, before renouncing all claim to a restitution of Church property, to suggest some grievances for which they thought they now perceived an opportunity of obtaining redress, and to secure some immunities which they considered desirable.

The convocation address the queen and her consort.

The bishops, however, all deep in the interest of the court, and willing enough to promote the views there held, were anxious to secure the parliament's entire submission to the legate; and as episcopal influence was paramount, the consent of the whole convocation was at last obtained to forego any claim to a restitution of the Church lands, for without this concession the parliamentary conscience would certainly have proved over-scrupulous. So, as the cardinal himself had been creditably firm on the matter of Church property, it was managed that the whole[bb] convocation should apply to the queen and her consort, with a request that they would intercede with his eminence to waive that point. Their majesties were consequently addressed by both houses to this effect.

[bb] Lingard, Hist. Eng. v. 454.

The address.

"We[c] the bishops and clergy of the province of Canterbury assembled in convocation according to custom during the sessions of parliament, with all due humility and regard acquaint your majesties that notwithstanding by our respective stations and offices the care and protection of the rights and privileges of the Church are intrusted with us, for which reason we ought to have recourse to the remedies of law, and endeavour the recovering whatever has been taken away in this kingdom, during the late schism, yet we must freely confess that the restoring these estates is a very difficult and in a manner an impracticable undertaking. And

[c] Conc. Mag. Brit. iv. 101. Heylin's Hist. Ref. pp. 213-14. Strype's Mem. iii. app. p. 60, and Coll. vi. 94.

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considering titles have been so often transferred since the first alienation, property would be strangely entangled by pursuing an attempt of this nature, and over and above, the union with the Catholic Church, so happily begun by your majesties, might probably be checked in its progress. We therefore, who value the public tranquillity more than our private advantage, and the saving so many souls above all secular interest whatever (not seeking our own but those things which are Jesus Christ's), humbly beseech your majesties to intimate our request to the Lord Cardinal Pole, legate to our Lord Pope Julius III., and to intercede with his eminence that pursuant to the powers granted by his holiness he would please to prefer the benefit of the community to all private regards, and give up the claim of those estates which might otherwise be insisted on by the spiritualty or religious, and that the lord cardinal legate would relax upon these points, either wholly or in part, at his discretion. Only we desire his eminence would shew himself easy and gentle on this occasion, declaring withal that whatever shall be done by him in the premises shall be taken as confirmed by our consent. And further, we humbly entreat your majesties that those branches of ecclesiastical jurisdiction without which we are in no condition to execute our functions and assist our charge, and which have been wrested from us by the injustice of the late times, may be restored, and that all those laws which disable us in our business and check our spiritual commission may be repealed, to the honour of God and your majesties', and the common benefit both temporal and eternal[d] of the whole realm. And finally we desire[e] to express our firm conviction that your majesties, according to your singular piety and gratitude to God for all mercies, will never fail to consult and provide for the needs of the churches of this your realm, more especially of those to which the care of souls is attached."

[d] Coll. vi. 95.
[e] Conc. Mag. Brit. iv. 101.

This address[f] was agreed upon on the 7th of December, the day after the absolution pronounced over the convocation at Lambeth, and it was settled that Gardiner, bishop of Winchester, now lord chancellor, together with the prolocutor and six members of the lower house, should present it in the name[g] of the whole convocation to their majesties. The same persons seem to have themselves[h] placed it in the

[f] Conc. Mag. Brit. iv. 94.

[g] Conc. Mag. Brit. iv. 94.
[h] Heylin's Hist. Ref. p. 214.

hands of the cardinal legate, and it may well be supposed to have proved acceptable enough to him, as it gave him a pretext for avoiding so harsh a strain as that of an application for the restoration of the Church lands, which would inevitably have proved little in harmony with the sentiments of the parliament.

A.D. 1554. Q. Mary.

Act of parliament for the restoration of papal supremacy in England.

The event was[i] that on New Year's Day, 1555 N.S., the act for restoring[j] the Pope's supremacy was passed in both houses of parliament, which it has been[k] remarked "could not but be entertained for one of the most welcome new year's gifts which had ever been given to a Pope of Rome." The Pope made a handsome return by confirming in their respective sees such few bishops as still remained of those who had been consecrated during the reformation, by giving papal sanction to such new bishoprics as had been erected in the reign of K. Henry VIII., and by authorizing such marriages as in Roman Catholic esteem might have otherwise become subjects of doubt.

A.D. 1555.
[i] Heylin's Hist. Ref. p. 214.
[j] 1 & 2 Phil. and Mar. c. 8.
[k] Heylin's Hist. Ref. p. 214.

Thus, so far as statute law and papal encroachment could go, this Church and realm was again laid prostrate at the feet of Rome.

Papal supremacy publicly acknowledged.

On the 23rd of January all the bishops with the rest of the convocation waited on the cardinal at Lambeth, who there desired the respective[l] members to repair to their cures, recommended lenity and moderation, and desired them to recover their people by kindness and persuasion rather than by rough expedients and coarse usage. For these[m] desired ends dispensations were granted by his eminence, and two days afterwards, on the festival of the conversion of S. Paul[n], as though the Church of England had experienced a like gift of grace with the apostle, there[o] was a grand and solemn procession throughout London, to give a thanksgiving to God for so great a blessing[p]. To add pomp and circumstance to this proceeding there were carried in the procession ninety crosses, and there appeared one hundred and sixty priests and clerks, each attired in a cope; eight bishops richly habited; Bonner, who carried a pix under a canopy; and the lord mayor, attended by the companies in their several liveries[q]. After the procession all repaired to S. Paul's cathedral, where mass was said in the presence of the cardinal and K. Philip, and on

[l] Coll. vi. 100.
[m] Coll. vi. 100.
[n] Jan. 25.
[o] Heylin's Hist. Ref. p. 214.
[p] Heylin's Hist. Ref. p. 214, and Coll. vi. 99.
[q] Heylin's Hist. Ref. p. 214.

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the following[r] day, Jan. 26, the convocation[s] and parliament[6] were dissolved—

"Proh Curia, inversique mores[t]!"

XI. Parliament and convocation meet in October 1555.

In the autumn of the year 1555 the convocation and parliament were again convened.

Parliamentary business.

The latter assembly[u] met on Oct. 21, and passed an act[v], though not without some clamorous opposition in the House of Commons, for the restitution to the Church of the firstfruits and tenths, together with such impropriations as remained in the hands of the crown. This opposition in the lower house arose from some suspicions that if the crown was divested of these ungodly gains, the weight of just taxation might be somewhat increased. So keen were our legislators of that day in pursuit of the smallest game which might help to swell the bag.

Two other bills[w] were proposed relating to religion—one for obliging exiles to return under penalties, the other for disabling such justices of the peace as were not sufficiently rigorous in the prosecution of those who declined the court religion. But the extravagant excesses of persecution had so much disgusted the nation that these bills were both rejected, and the queen, finding the humour of the parliament thus intractable, dissolved the assembly[x] on Dec. 9.

The pretended provincial synod of October, 1555.

Along with this parliament according to custom the convocation met Oct. 22[y], at S. Paul's cathedral. The usual[z] religious ceremonies were solemnized, but Archbishop Cranmer[7] being still in prison there was no metropolitan to preside, so Bonner again assumed his place. Boxhall[a], warden of Winchester, preached the sermon. Bonner then[b] explained the causes for the meeting of the assembly, and, desiring the lower house to select their prolocutor, their choice fell upon Dr. Christopherson, dean of Norwich.

In the second session[c] this gentleman was presented by Henry Cole, archdeacon of Ely, and prolocutor of the last convocation, who took occasion in an ingenious speech[d] to re-

r Heylin's Hist. Ref. p. 214.
s Conc. Mag. Brit. iv. 94.
t Hor. Od. iii. 5. 7.
u Hume, c. xxxvii. p. 384.
v 2 & 3 Phil. and Mar. c. 4.
w Hume, c. xxxvii. p. 384.
x Hume, c. xxxvii. p. 384.
y Conc. Mag. Brit. iv. 120.
z Conc. Mag. Brit. iv. 120.
a Heylin's Hist. Ref. p. 223.
b Conc. Mag. Brit. iv. 120.
c Oct. 25.
d Conc. Mag. Brit. iv. 120.

6 The Statutes at Large say this parliament was dissolved Jan. 16, but Heylin is positive that the 26th was the day.

7 He suffered martyrdom by fire at Oxford, March 21, 1556 N.S.—Strype's Cran. p. 383. Rose's Biograph. Dict. in verb. Cran.

present to the members of the upper house that the present was a favourable opportunity for promoting the honour of God, for securing their own dignity and the prosperity of the ecclesiastical and civil state, for recovering losses, and for restoring the ancient glory of the Church. Bonner then confirmed [e] the newly-elected prolocutor, bestowing many commendations both on him and on those who had elected him to his office.

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[e] Conc. Mag. Brit. iv. 120.

State secrets imparted to the assembly.

The clergy being remitted to the lower house with a direction that they should choose ten of their body besides their prolocutor to hear some state secrets connected with the queen, her consort, and the cardinal, retired for that purpose. Shortly after the persons [8] chosen returned to the upper house to wait on their lordship's pleasure. Upon their [f] arrival the Bishop of Ely imparted to them the secrets; which were no less than that the queen required from them a subsidy, recommending that it should amount [9] to eight shillings in the pound, and be extended over three or four years; and to induce them to liberality in their vote the bishop took notice [g] that the queen had remitted the tenths and firstfruits, restored the benefices attached to monastic and collegiate institutions, and had proved [h] herself, when compared with preceding monarchs, most munificent towards the Church. He added [i] that Cardinal Pole had prepared a schedule for the due disposition of these benefits conferred by the queen, and handed to the lower house a copy for their consideration. The Bishop of Ely further moved [j] the lower house to choose a committee for reviewing the ancient canons, in order to accommodate them to the present state of the Church, and to supply their defects in such a manner that, upon due approval, they might be made obligatory on the clergy and kingdom at large. Of this motion, however, we hear nothing more.

[f] Conc. Mag. Brit. iv. 120.

[g] Conc. Mag. Brit. iv. 120.

[h] Conc. Mag. Brit. iv. 120.

[i] Conc. Mag. Brit. iv. 120.

[j] Conc. Mag. Brit. iv. 120, and Heylin's Ref. p. 224.

The lower house petition the upper.

In the third [k] session [l] the Bishop of London (Bonner) introduced into the upper house some questions relative to reforms necessary in the Church. In

[k] Conc. Mag. Brit. iv. 120.

[l] Oct. 30.

[8] The committee were Dr. Christopherson, prolocutor, Hugh Weston, Will. Pye, Fr. Mallett, Rich. Marshall, Henry Cole, Will. Jeffery, Jo. Harpsfield, Jo. Cottrell, Jo. Blaxton, Jo. Rixman.

[9] Heylin (Hist. Ref. p. 224) and Collier (Ecc. Hist. vi. 129) say six shillings.

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the meanwhile the prolocutor and clergy appeared[m] with the schedule of subsidies granted as required, only excepting the lesser benefices under the value of eight pounds, together with the colleges of Eton and Windsor and the two universities. On the same day the lower house put up three[n] petitions to the upper, requesting its good offices for obtaining them.

1. "That[o] all such of the clergy as, building on the common report that the tenths and firstfruits were to be released in the following parliament, had made no composition, might be discharged from the penalty inflicted by the law in that behalf."

2. "That[p] their lordships would intercede with the cardinal legate for confirming the clergy in their present benefices by some special bull."

3. "That[q] by their lordships' means the statute might be repealed by which tithe causes in London came under the cognizance of the lord mayor; and that these might be tried before the ordinary."

To these petitions[r] the upper house assented. As to the two first it seems not to have been a difficult matter to obtain the requests submitted by the interposition of the cardinal: as regards the third nothing[s] was done, and the statute referred to still remained in force, to the vexation and impoverishment of ecclesiastical persons in the city.

Subject of non-residence treated.

This convocation[t] was continued from day to day in the early part of November; and during those sessions the question of non-residence became the subject of deliberation.

Cardinal Pole, as it appears from the third of his legatine constitutions[u], published after his legatine synod held at the end of this year, was, and very rightly so, a determined opponent[v] of non-residence among clergy of all degrees; and the members of this convocation seem to have entered upon the subject. For a[w] proposition was there made with a view to secure more constant residence, suggesting also the reasons existing for non-residence in some cases. It was admitted[x] that the canons sanctioned, and that good men desired, perpetual residence, but still that some difficulties could not be overlooked which prevented its being enforced at that time.

The causes of non-residence were first assigned and then remedies were proposed.

[m] Conc. Mag. Brit. iv. 120, and Heylin's Ref. p. 224.
[n] Wake's State, p. 497.
[o] Heylin's Hist. Ref. p. 224.
[p] Heylin's Hist. Ref. p. 224. Conc. Mag. Brit. iv. 120.
[q] Heylin's Hist. Ref. p. 224. Conc. Mag. Brit. iv. 120.
[r] Heylin's Hist. Ref. p. 224.
[s] Heylin's Hist. Ref. p. 224.
[t] Conc. Mag. Brit. iv. 120.
[u] Conc. Mag. Brit. iv. 122. Vid. inf. p. 528.
[v] Strype's Cran. p. 368.
[w] Conc. Mag. Brit. iv. 126. Strype's Cran. app. No. lxxxviii.
[x] Conc. Mag. Brit. iv. 126.

1. The first cause referred to cases of noblemen's chaplains. A.D. 1555. Q. Mary.

2. The second to the cases of bishops' chaplains and assistants.

3. The third to the cases of bishops who were privy councillors.

4. The fourth again to the cases of noblemen's chaplains.

5. The fifth to the cases of pluralities.

6. The sixth to the expenses of an university education, as inconsistent with the hope of a single benefice only.

7. The seventh to cases where no glebe-houses existed; to the cases of persons going to the court of Rome, to a general council, to a synod, or to a parliament; and to cases of persons who were restrained against their will.

The remedies[y] proposed were that there should be fewer court favourites; that those who[z] had several benefices should reside a certain time on each; that personal tithes should be paid; that bishops' chaplains should reside a certain time in their own parishes; that the pensions heretofore paid by rectors to monasteries should not be enforced by lay impropriators; that tithe of underwood should accrue; and that large parishes should be divided. How the last proposal would prove a remedy for non-residence is not clear to an ordinary comprehension. However this is not the only suggestion of this convocation to which one might be inclined to demur.

[y] Strype's Cran. app. No. lxxxviii. p. 205.
[z] Conc. Mag. Brit. iv. 127.

The convocation was continued to Westminster, and after[a] the 15th of November we hear no more of its proceedings for the present; being eclipsed by the darker passage over the Church of Cardinal Pole's papal legatine synod.

[a] Conc. Mag. Brit. iv. 120.

XII. Cardinal Pole's papal legatine synod.

In order to bind the papal and legatine powers still more straitly upon this Church and nation, it was determined between the queen, her consort, and the cardinal that a legatine synod should be held. We have seen before[b] how unpalatable these assemblies proved in earlier times to the clergy of England, and the rough remonstrances which they continually urged against the proceedings of legates from Rome: but on this occasion the ecclesiastical courtiers of Q. Mary appear to have been less sensitive on the subject. Some fears, however, were entertained lest they should incur the penalties of a præmunire[c] if such an assembly was convened without the

[b] Vid. sup. c. viii. pp. 218—223.

[c] Warner, ii. 385.

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royal authority. The ground of such fears it is somewhat perplexing to understand, for it is not clear upon what they could have been based except upon 25 Hen. VIII. c. 19, s. 1. But that act, even when in force, only restrains the assembly of convocations, and makes no mention of a national synod, or indeed of any other ecclesiastical assembly; and, being a penal statute, can only in justice be construed according to the strict terms of the letter, notwithstanding the mysterious capacities with which some of the learned profession have endeavoured to invest it. Besides, at this time it was repealed by 1 Phil. and Mar. c. 8, and therefore its terrors were dormant. However, to silence all scruples and to set at rest all fears royal[d] letters were issued on the 2nd of November empowering the cardinal to hold a legatine synod, and absolving from all penalties those who should attend it. Pole, thus empowered, summoned the ordinary members[e] of the two convocations to meet at the king's chapel, Westminster, on Dec. 2.

[d] Conc. Mag. Brit. iv. 130-31. Strype's Mem. iii. 269.

[e] Conc. Mag. Brit. iv. 131.

Sundry heads of business in the legatine synod.

On the 13th of[f] that month the prolocutor[10] introduced the book entitled "*The Institution of a Christian Man*," which, it will be remembered, was compiled[g] by a committee of bishops, and sanctioned by the national synod of 1537. It was now brought forward for the purpose of being examined, and to this end it was broken into three divisions. A committee was also appointed on this day to prepare homilies; and another for making some arrangements with respect to the Apostle's creed.

[f] Conc. Mag. Brit. iv. 132.

[g] See chap. xi. pp. 390—392.

On the following[h] Monday[i] an arrangement was made for translating the New Testament, and a division of that book was agreed to for this purpose.

[h] Conc. Mag. Brit. iv. 132.

[i] Dec. 16.

On the following Friday[j] the prolocutor on the part of the cardinal forbade all the members of the lower house, more especially the deans, to confirm any leases which might have been made of the incomes of benefices. He also introduced a schedule containing some words in the translation of the New Testament which required consideration.

[j] Dec. 20.

A.D. 1556. On the 8th of Jan. the consideration of those words was entered upon; and by command of the cardinal a consultation

[10] I presume that Dr. Christopherson was prolocutor at this time of the Canterbury Convocation.

was ordered in the lower house upon the best means for establishing schools at cathedrals. A.D. 1556. Q. Mary.

On the 20th of January this consultation was renewed, and a committee of persons was selected from both provinces to make arrangements for the support of scholars in such schools.

A fund was to be thus raised :—

1. Those who were collated to a benefice were to pay a tenth of the income for the first year.

2. A portion of the goods of persons dying intestate was to be assigned for the same purpose by the ordinaries, which the administrators were to be compelled to pay.

3. A contribution was to be made for the good of their souls from the property of testators, which was to be deducted from the legatees.

4. The foregoing payments were to be enforced for three years.

On the 21st of January[l] the synod removed from K. Henry VII.'s chapel at Westminster to a large upper room at Lambeth Palace, where, on the following Monday, a deliberation was held on the subject of such clergy as absented themselves from their ministrations.

[l] Conc. Mag. Brit. iv. 132.

After sundry continuations, on the 10th of February the prolocutor bid all the members meet on the following day in Lambeth parish church to hear the constitutions read, which chiefly by the cardinal's means had been framed, and to which the previous debates had in a great measure referred. For Pole had observed[m] how far the discipline of the Church was relaxed; and having drawn up his plan for amendment, had it discussed in this synod, and then arranged it under twelve heads for promulgation before the assembly. The tenor of them was as follows :—

[m] Warner, ii. 385.

Cardinal Pole's twelve constitutions published in his legatine synod.

1. A procession[n] was ordered annually on S. Andrew's[o] day in commemoration of the reconciliation of this kingdom by its representatives, the Houses of Lords and Commons, to the see of Rome. A festival sermon or homily was also to be preached intimating the solemnity of the occasion.

[n] Conc. Mag. Brit. iv. 121-26. Coll. vi. 129.

[o] Nov. 30.

2. The second constitution[p] provides for the instruction of parish priests. A Latin Bible, the constitutions of Otho Othobon, and of the Archbishops of Canterbury, were to be

[p] Conc. Mag. Brit. iii. 121. Coll. vi. 130.

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obtained by them. They are forbidden to keep any heretical books without the Pope's licence. The doctrines of the Roman Church are enforced, disagreeing tenets condemned, and canons against heresy confirmed. A digest of faith published for the Armenians in the eighth Council of Florence is inserted. It enforces the papal supremacy, affirms the Pope to be primate of the universe, successor to S. Peter, prince of the Apostles, Christ's vicar, and head of the whole Church, the instructor of all Christians, with our Saviour's commission both to teach and govern the whole body of believers. This large inheritance is declared to be unquestionable, as proved by the history of councils and canonical doctrine. Then the seven sacraments are treated of. Three things are assigned as necessary to a sacrament,—the matter, the form of words, the minister. On the last head the minister's intention of "doing what the Church does" is reckoned essential. Baptism, confirmation, and orders are said to confer an impression of peculiar significance, imparting an "indelible character," and therefore must not be repeated. Ordinarily a priest is the proper person to baptize, but in cases of necessity that rite may be administered by a deacon, a layman, a woman, a heathen, or a heretic. In speaking of the holy eucharist the doctrine of transubstantiation is enforced in its most exceptionable form. Extreme unction is not to be applied to a sick person unless the probability is that the patient will die. The host is to be renewed every week, and a taper kept burning before it. The 1st of October is appointed as the festival of dedication for all churches, and the revellings customary at wakes are forbidden under Church censures; and moreover, if needful, the secular power is to be called in to repress such disorders.

[q] Conc. Mag. Brit. iv. 122. Coll. vi. 131.

3. By the third constitution[q] residence is enjoined, and provisions are made against pluralities.

[r] Conc. Mag. Brit. iv. 123. Coll. vi. 131.

4. The fourth constitution[r] is directed against the neglect of preaching by archbishops and bishops. All parsons were likewise ordered either to preach themselves or to appoint some well-qualified deputy for that purpose on each Sunday and holy day. That this duty might be the better discharged, the bishops were enjoined to instruct the clergy in the manner and matter of their sermons; none was to preach without a

licence beyond the bounds of his own parish; and because some might have the charge of cures who were slenderly qualified for this duty, homilies, sanctioned by the synod, were proposed for speedy publication, which might be read in the place of sermons. The outline of this last scheme never appears to have been filled up. The cardinal's design, as struck out, was to include four books of homilies, the first settling controverted points, as a preservative against error; the second explaining the creed, the ten commandments, the sacraments, and the salutation of the Virgin; the third furnishing discourses on the Epistles and Gospels for all Sundays and holydays; the fourth including dissuasives from vice and persuasives to virtue, with a compendious instruction on the rites and ceremonies of the Church. A.D. 1556. Q. Mary.

5. The fifth constitution[s] relates to the lives of the clergy of all grades. The bishops are enjoined to set a good example, neither to affect unnecessary pomp nor indulge in unseemly luxuries. It is suggested that what is thus saved in personal expense may be devoted to education and works of piety and public advantage. The same regulations for sobriety and reservations for charity are recommended to the lower clergy. Marriage is forbidden to all ecclesiastics, including subdeacons, and separation enjoined in cases where any persons whatsoever within the prohibited grades had been married. Secular, mean, and unworthy employments are forbidden to all the clergy.

[s] Conc. Mag. Brit. iv. 123. Coll. vi. 132.

6. The sixth constitution[t] relates to ordination. Candidates were to be examined by the bishops themselves, and not ordained on the reports of other men. In the examination the bishop might be assisted by the archdeacons and other of character. Orthodoxy, learning, worth, birth, and age were to be inquired into. For this purpose due notice was to be given to the bishop, and the candidate was to confess beforehand, and receive the holy communion at the time of ordination.

[t] Conc. Mag. Brit. iv. 124. Coll. vi. 132.

7. The seventh constitution[u] relates to collations and institutions, for the Apostle's caution of "laying hands suddenly on no man," appears to extend to such functions. The same examination was here to be made as in the case of ordination; inquiry was to be set on foot as to the probability of residence on

[u] Conc. Mag. Brit. iv. 124. Coll. vi. 132.

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the part of the person to be promoted, and a testimonial from the head of a college was to be required. The bishops are also exhorted to supply clergy to all the vacant cures without delay, and to take measures to prevent the people or the benefice from suffering during vacancy.

[v] Conc. Mag. Brit. iv. 124. Coll. vi. 133.

8. The eighth constitution[v] is directed against the prospective disposal of benefices previously to a vacancy.

[w] Conc. Mag. Brit. iv. 124. Coll. vi. 133.

9. The ninth[w] regards simony, and is very stringent, the oath which the presentee is obliged to take being remarkably comprehensive and carefully[x] guarded.

[x] Coll. vi. 133.

[y] Conc. Mag. Brit. iv. 125. Coll. vi. 133.

10. The tenth[y] has respect to the alienation of Church property. Each incumbent was ordered to have a terrier and inventory of all lands and goods belonging to his church. Two copies were to be made. In ordinary cases one was to be laid up in the parish church, the other to be deposited with the diocesan; if the church was metropolitical, the duplicate was to be given to the chapter; if a diocesan cathedral, to the archbishop. At visitations the metropolitans and lesser ordinaries were to inspect these documents and examine whether they tallied with the possessions of the churches, taking order for recovery of whatever might be found wanting.

[z] Conc. Mag. Brit. iv. 125. Coll. vi. 134.

11. The eleventh[z] designs a school at every cathedral, chiefly for the education of those intended for holy offices. Youths were not to be admitted under eleven years of age, not before they could read and write. They were also to be examined as to their inclinations and general qualifications for their proposed course of life. Their first education was to be in grammar, and then they were to be instructed in such matters and taught such behaviour as would become an ecclesiastic. They were to appear in the tonsure and clerical habit, to help in the choir, and live in accordance with the rules of the other clerks. For their maintenance a fortieth part of the bishop's net revenue was to be set aside, and all prebendaries and other beneficed men, whose clerical income realized twenty pounds per annum, exclusive of deductions, were to help in like proportion. All schoolmasters were to be licensed by the ordinary, who was to examine their capability and prescribe the school books.

[a] Conc. Mag. Brit. iv. 126. Coll. vi. 134.

12. The twelfth constitution[a] regulates visitations. Churches,

schools, hospitals, and public libraries, were to be visited in order to discover if any heretical books were there laid up. The metropolitical visitations were to be managed in accordance with the constitution of Pope Innocent IV. which begins "Romana Ecclesia." In accordance with this the metropolitan was to inquire whether bishops resided, preached, lived in accordance with their function, ordained, admitted to benefices, assigned confessors, punished disorders, and discharged all their other duties, whether spiritual or temporal, in a fitting manner. If any disorder proved too obstinate for cure by the metropolitan, he was to report to a provincial synod; and if such an assembly could not remedy the evil, application was to be made to the pope. Lastly, archdeacons were to be guided in their visitations by the ecclesiastical canons, and if abuses were found beyond archidiaconal power, the bishop was to be acquainted with the disorder. The archdeacons were also ordered to see that episcopal mandates were observed, and for their assistance in the performance of such duties, the constitutions of Otho and Othobon on this head were ratified by the legatine synod.

A.D. 1556. Q. Mary.

Such was the scheme for improved organization among ecclesiastics devised by Cardinal Pole, accepted by his legatine synod, and read before the assembly in Lambeth church, on the 11th of February, 1556 N.S.; and, however far one may differ from the cardinal's doctrinal views, it cannot be denied that this scheme did credit both to his head and heart. He seems to have [b] desired a strict and active performance of duty on the part of all who were charged with ecclesiastical functions, to have set his face against the misappropriation of church revenues to objects of private selfishness, and to have contemplated a large application of them to the public good.

[b] Warner, ii. 386.

The legatine synod prorogued.

After these constitutions had been read, the members of the legatine synod betook themselves [c] to the chapel in Lambeth palace, where mass was performed in presence of the cardinal, bishops, and clergy, together with a large assemblage of people. At the conclusion of the office, and after the cardinal [d] had himself offered up some prayers, Mr. Watson [e] delivered a Latin sermon, in which,

[c] Conc. Mag. Brit. iv. 132.
[d] Conc. Mag. Brit. iv. 132.
[e] Conc. Mag. Brit. iv. 132.

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among other matters, he intimated that the synod was prorogued [11] to Oct. 10 [f]. However, the synod did not then assemble, but was continued to [g] May 10, 1557. Neither on that day was it convened, but was further put off to [h] Nov. 10 ensuing. But before that time arrived, as may be learnt from a letter [i] of Bonner's, the assembly was again prorogued without any day being fixed for a future meeting.

This was happily the last legatine synod held in England, and it is devoutly to be hoped that so unmistakeable a badge of subserviency to papal supremacy, which, as we have [j] seen, had been legitimately and canonically discharged by the united decisions of our two provincial synods, may never again be forced on our Church and nation.

[f] 1556.
[g] Conc. Mag. Brit. iv. 151.
[h] Conc. Mag. Brit. iv. 151.
[i] Conc. Mag. Brit. iv. 154.
[j] Vid. sup. c. x. ad an. 1534.

A.D. 1558.

XIII. Pretended provincial synod of 1558 N.S.

On Monday [k], Jan. 20, 1558 N.S., Queen Mary's last parliament met, and on the following day [l] the Convocation of Canterbury assembled [m], according to the usual practice, at S. Paul's cathedral.

Cardinal Pole had been put into the see of Canterbury on March 22, 1556 N.S., the day following the martyrdom [n] of Archbishop Cranmer, and now took his seat as president in this pretended provincial synod. John Harpsfield, archdeacon of London, afterwards chosen prolocutor of this convocation [o], preached the sermon on the text, "Go into the [p] village over against you," where Christ sends His two disciples to fetch Him the ass and the ass's colt. Fuller takes occasion to remark [q] that the preacher must answer for the suitableness of his text to the occasion. But whether that learned worthy thought the passage selected unsuitable to the time, or, on the other hand, closely applicable to the impending duty of the clergy in choosing their prolocutor, is not altogether clear.

[k] Wake's State, p. 499. Hume, c. xxxvii. p. 389.
[l] Wake's State, p. 499. Hume, c. xxxvii. p. 389.
[m] Coll. vi. 173.
[n] March 21, 1556. Coll. vi. 139. Lingard, Hist. Eng. v. 483.
[o] Fuller, Ch. Hist. b. viii. p. 39.
[p] Matt. xxi. 2.
[q] Fuller, Ch. Hist. b. viii. p. 39.

Sundry heads of business.

On the 24th of January John Harpsfield was presented as prolocutor of the lower house, and admitted to that office by Cardinal Pole at Lambeth. On this occasion the cardinal suggested that some plan might [r] be devised for the recovery of Calais lately wrested from England, for supplying deficiencies in the ecclesiastical state of the province of Canterbury, and for the due disposition of those gifts which the queen in her munificence had be-

[r] Conc. Mag. Brit. iv. 155.

[11] Oct. 10 is the day mentioned. From subsequent documents it would appear that this must be a misprint for Nov. 10.—Conc. Mag. Brit. iv. 151.

stowed on ecclesiastical persons. This business was committed especially to the care of the Bishops of London, Rochester, S. David's, Peterborough, and Gloucester. The cardinal also referred to a committee[1] the duty of reviewing the statutes of the new foundations (which transferred property from the regulars to the secular clergy[s]) in order that their funds might be brought to a more serviceable state. A. D. 1558. Q. Mary.

[s] Coll. vi. 173.

The Bishop of London[t], in another session[u], presented plans for reformation from himself and some of his brethren, touching their respective dioceses; and the lower house also made suggestions for supplying the deficiency of clergy.

[t] Conc. Mag. Brit. iv. 155-6.
[u] Jan. 28.

In the next session[v] Cardinal Pole represented the dangers of the kingdom consequent on the hostilities of the Scotch and French, exhorting the members to a liberal subsidy. To this they willingly assented, and granted[w] a benevolence of eight shillings in the pound, upon which the cardinal took opportunity to request Nicholas Heath, now filling the see of York, to obtain the same levy throughout that province.

[v] Feb. 4.
[w] Feb. 9.

A discussion[x] subsequently took place in this convocation, as to the facilities for supplying small benefices with curates, and four[y] articles were agreed on for presentation to his eminence on this subject:

[x] Feb. 18.
[y] Conc. Mag. Brit. iv. 156. Coll. vi. 173.

1. That no priest may be enlisted in the army.
2. That neighbouring benefices may be united.
3. That congregations of chapels of ease may be compelled to resort to the mother church until curates can be provided.
4. That bishops may be authorized by the pope to ordain at other times besides the ember weeks.

From these three last provisions we again may infer how difficult the Romanizing party found it to supply the churches with priests of their own persuasion after the extensive deprivations and rigorous persecutions of the clergy of the Church of England, which had taken place in this reign.

It is to be observed here that the subsidy of the clergy above mentioned, was, according to custom, confirmed by act of parliament, but that a burden[z] which they also imposed on

[z] Vid. Conc. Mag. Brit. iv. 170, note.

[1] Bishop of Lincoln, Bishop of Chichester, Bishop of Peterborough, Nicholas Wotton, dean of Canterbury, Edmund Stuard, dean of Winchester, Seth Laud, dean of Worcester.

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themselves of finding arms and horses for the defence of the kingdom, though enforced under ecclesiastical penalties, was uncorroborated [a] by the state, and depended wholly on the authority [b] of the convocation, and moreover [c], that the captains who were to take commands in the force were also to be chosen by that assembly.

Articles proposed in this assembly.

Some articles [d] appear also to have been proposed if not passed in this convocation. They run to a great length, and are divided into sundry heads, as given below [2].

Such having been the performances of this convocation, it was continued from March 8 to the 11th [e] of November following.

[a] Coll. vi. 173.
[b] Heylin's Hist. Ref. p. 248.
[c] Fuller, Ch. Hist. b. viii. p. 39.
[d] Conc. Mag. Brit. iv. 156. 168.
[e] Conc. Mag. Brit. iv. 156.

[2] 1. Seven on doctrine.
2. Seven on prayers.
3. Nine on the ornaments of churches.
4. Eighteen on ecclesiastical discipline.
5. Six on cathedral and other churches.
6. Four on the ecclesiastical dress.
7. Twelve on seminaries and schools.
8. Two articles on schools.
9. An article on the duties of archbishops and bishops.
10. An article on the quality of candidates for orders.
11. An article on the qualification of those to be admitted to benefices.
12. An article on substitutes in benefices.
13. An article against admission by proxy to a benefice.
14. An article on the evidence necessary for convening before the ordinary.
15. An article on non-residents for the sake of study.
16. An article against non-residents taking duty elsewhere.
17. An article on preachers.
18. An article on heretics and their writings.
19. An article on clerks convicted.
20. An article on clerical dress.
21. An article on sporting clerks.
22. An article on incontinent clerks.
23. An article on simony.
24. An article on reserves made by patrons.
25. An article against idleness of clerks.
26. An article on schoolmasters and education.
27. An article on detection of heresy and on university studies.
28. An article on a due provision of religious persons in each monastery.
29. An article on the education of the religious.
30. An article on the reconciliation of apostates.
31. An article on dispensations granted to apostates.
32. An article on impropriated churches and hospitals.
33. An article on the abuses of clandestine marriages in the chapels of S. John of Jerusalem, the Tower of London, and in others.
34. An article on dilapidations.

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XIV. York pretended provincial synod.

About the same time with the preceding meeting, the convocation of the northern province[f] assembled under the presidency of the intruded archbishop, Nicholas Heath. That assembly voted a subsidy of like proportion with the one which had been granted in the southern convocation, and it appears that it also charged the clergy in the same manner with horses and instruments of war, without any corroboration[g] from the civil power.

[f] Conc. Mag. Brit. iv. 170.

[g] Conc. Mag. Brit. iv. 170, note.

XV. Pretended provincial synod of November 1558.

The Canterbury Convocation, as we have seen, had been continued[h] to the 11th[i] of November. Thence it was again prorogued to the 17th of the same month, when a dissolution ensued by the death of the queen, which occurred on the latter day.

[h] Conc. Mag. Brit. iv. 156.

[i] 1558.

XVI. Death of Q. Mary I.

On the 17th[j] of November, 1558, Q. Mary I., at the age of forty-two, departed this life, after a reign of five years, four months, and eleven days; a brief space, but one long enough to be signally disastrous. By her death the Church of England was freed from one of the most rigorous persecutors appearing on the annals of our country. Sincerity may be pleaded in extenuation of her acts, and it may be said that she "valued her conscience[k] above her crown," and the interests of the next world above those of this. Still we are to consider that sincerity is a dangerous excuse for persecuting other people. For, if the persecutor should happen to be in error, the quality above mentioned may lead him to the last excesses of wrong. Conscience has not in every case proved an infallible guide. Moreover, it is observable that the interests of heaven, if we are to comply with our blessed Lord's instructions[l], should be secured by some milder applications than invoking the aid of fire on earth.

[j] Hume, c. xxxvii. p. 389. Lingard, Hist. Eng. v. 526.

[k] Coll. vi. 179.

[l] Luke ix. 54, 55.

XVII. Death of Cardinal Pole.

Within sixteen[m] hours after the death of the queen Cardinal Pole breathed his last, in his fifty-ninth year. He was a man of delicate frame, as we may gather from the expressions of his well-wisher Flaminius, when deprecating the ill effects of pestilential atmosphere on his health—

[m] Coll. vi. 179. 182.

"Tempera et suavi rapidum calorem
Spiritu, circum volitans, nec æstus
Igneus frangat sine delicati
Corporis artus[n]."

[n] Poem. Select. Ital. p. 162.

Under such influences, however, he languished, and as he was

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suffering under [o] a double quartan ague, it is likely that the news of the queen's death hastened his own.

Somewhat of his character.

Considering his royal extraction [3] and high station, he was modest and unpretending. He was inclined to study, kind, beneficent, and of sound judgment. Having ample opportunities of enriching himself, he scorned to make use of them for that purpose, but preferred turning all he could into channels of charity and pious uses. When first he came over as legate he gave his opinion [p] to the council, that the proper plan for repressing heresy was not a persecution of the people, but a reformation of the clergy; and such a view seems to have guided his subsequent conduct [pp]. Notwithstanding some instances of rigour, he managed for the most part with great kindness and good temper, at one time saving twenty-two persons [q] who otherwise would have been put to death for their faith. For he seems then to have thought that it was carrying punishment too far to send men headlong out of this world when they appeared under an incapacity for finding mercy in another. It is not unlikely that the excesses of some persons in making the purification of religion a pretext for robbing the Church, tended to overrule his temper and withdraw him from his earlier inclinations [r] towards a reformation. In fine, had his persuasion in matters of faith been less exceptionable he would unquestionably have secured the general good will of posterity in this country.

[o] Coll. vi. 180.

[p] Warner, ii. 386.

[pp] Lingard, Hist. Eng. v. 482-3.

[q] Coll. vi. 181.

[r] Vid. Ful. Ch. Hist. b. viii. p. 14.

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XVIII. Parliament and convocation of 1559 N.S. meet.

About two months after the accession of Q. Elizabeth the Canterbury Convocation [s] and the parliament met. But on this occasion the convocation [t] assembled on the day before the parliament [u], at variance [v] with usual custom. The reason of this deviation from the common practice appears to have arisen from the queen's illness [w].

A learned writer [x] diverts his reader on this occasion by comparing convocation and parliament to twins, of which he represents the former as the younger brother. But, with all due respect to our author's great archæological learning, it seems that he must have had a slender acquaintance with the registers of his mother country's domestic household; for most

[s] Strype's Ann. i. 56.

[t] Jan. 24, 1559 N.S. Sess. I.

[u] Jan. 25.

[v] See Conc. Mag. Brit. iv. 179. & Stat. at Large in loco.

[w] Strype's Ann. i. 54.

[x] Fuller, Ch. Hist. b. ix. p. 54.

[3] He was son of Margaret, daughter of George, duke of Clarence, and so descended from the family of K. Edward IV.—Fuller, Ch. Hist. b. viii. p. 11.

certainly the convocations of the clergy saw light "some hundreds of years[y] before the name of parliament had ever been heard of." At least we must conclude that Mr. Fuller on this point had not taken full advantage of Sir H. Spelman's industrious and curious researches[4].

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[y] Heylin's Examen Historicum, p. 140.

Pretended provincial synod of 1559 N. S.

Edmund[z] Bonner, bishop of London, again presided[a] in this convocation, the see of Canterbury being vacant. After the mass had been celebrated in S. Paul's, and the assembly[b] had retired to the chapter-house[c], the bishop addressed the members to the following effect. He said that[d] though, according to ancient and laudable customs, such meetings were opened with a Latin sermon, yet that this course would not be pursued on the present occasion, partly because the archbishop was dead, whose office it was to choose the preacher, and partly because a mandate had been received from the privy council that no sermons should be delivered in that church until further order should be taken.

[z] Fuller, Ch. Hist. b. ix. p. 54.
[a] Conc. Mag. Brit. iv. 179.
[b] Jan. 27. Sess. 2.
[c] Ibid.
[d] Fuller, Ch. Hist. b. ix. p. 54.

Dr. Nicholas Harpsfield, dean[e] of Canterbury, was elected[f] prolocutor, and was presented by Henry Cole, dean of S. Paul's, and John Harpsfield, archdeacon of London[g], on the 3rd of Feb. following. A somewhat doleful remark was at this time made by some members of the lower house on[h] the subject of the preservation of Roman doctrine; for the party lately in favour at court doubtless began to perceive that religion would be restored to the state in which the provincial synods of England had left it before the aggressions of the civil power in the last reign, the wholesale deprivations of the prelates and clergy, and the introduction of a papal legate. Hence misgivings arose respecting the future.

[e] Jan. 27. Sess. 2.
[f] Strype's Ann. i. 56.
[g] Conc. Mag. Brit. iv. 179.
[h] Conc. Mag. Brit. iv. 179.

Articles sketched out by the lower house.

Consequently[i] some articles were sketched out by the lower house for the "exoneration[j] of their consciences" and the "declaration of their faith," to which the addition of the bishops' authority[k] was requested. This request seems to have been granted, for the articles[l] were read before the bishops, who promised to present them forthwith[m] to the upper[n] house of parliament. These articles were prefaced by an address to the bishops of the following tenor:—

[i] Feb. 25.
[j] Conc. Mag. Brit. iv. 179. Strype's Ann. i. 56.
[k] Conc. Mag. Brit. iv. 179. Strype's Ann. i. 56.
[l] Last day of Feb.
[m] Mar. 1.
[n] Mar. 1.

[4] Spelman's Concilia, Vol. I., was published in 1639; Fuller's Ch. Hist. in 1655.

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"Reverend [o] fathers, public report affirms that many doctrines of the Christian religion hitherto believed by Christians, and handed down to us from Apostolic times, are now called in question, more especially such as are contained in the subjoined articles. Thinking it our duty to provide, not only for our own eternal salvation, but for that of those who are committed to our charge, and stirred to action by the examples of our forefathers who have lived in like times with ourselves, we deem it right to affirm our faith as contained in the following articles."

[o] Conc. Mag. Brit. iv. 179. & Fuller, Ch. Hist. b. ix. p. 54.

The articles are [p] five in number, to which is added a request.

[p] Strype's Ann. i. 56.

1. The first [q] article asserts the presence of the natural body of Christ under the species of bread and wine in the sacrament of the altar.

[q] Conc. Mag. Brit. iv. 179. Lingard, Hist. Eng. vi. 14.

2. The second [r] asserts that the substance of bread and wine does not remain in the elements after consecration.

[r] Conc. Mag. Brit. iv. 179.

3. The third [s] asserts that in the mass the true body and the true blood of Christ is offered a propitiatory sacrifice for the living and the dead.

[s] Conc. Mag. Brit. iv. 179-80.

4. The fourth [t] asserts the papal supremacy.

[t] Conc. Mag. Brit. iv. 180.

5. The fifth [u] restrains the definition of faith, the handling of sacraments, and the management of ecclesiastical discipline to the clergy.

[u] Conc. Mag. Brit. iv. 180.

The [v] request added was that the bishops, in order to promote the safety of the flock committed to them, and for the liberation of their own consciences, would notify the foregoing articles to the lords in parliament.

[v] Conc. Mag. Brit. iv. 180. Fuller, Ch. Hist. b. ix. p. 56.

The popish character of these articles need not surprise us; happily they were the last which we shall have to consider tainted with such a spirit. This convocation, however, like its predecessors in the former reign, can have no just claim to be called a lawful provincial synod of the English Church; and that for reasons before considered [w], which still existed to a great extent, and to which the reader is referred.

[w] Vid. sup. pp. 495, 496.

And presented to the House of Lords.

The bishops assented to the request which concluded the document. The articles were presented by Bonner [x] to the House of Lords, and received [y] by Bacon, the Keeper [z] of the Great Seal, on the part of that assembly. But no answer [a] was given; nor

[x] Fuller, Ch. Hist. b. ix. p. 56.
[y] Conc. Mag. Brit. iv. 180.
[z] Coll. vi. 207.
[a] Strype's Ann. i. 56.

do we hear any thing more of them, save that the declarations contained were[b] approved of by the universities of Oxford and Cambridge, the last head only excepted. This[c] document is supposed, however, to have hastened on the disputation held in Westminster[d] Abbey shortly after[e] between the reformed and the Roman divines. Into the history of that conference[f] it is beside our present purpose to enter[g]. Suffice it here to say that, as might be expected, neither party gave the other any satisfaction, and the arguments were cut off with this sharp conclusion by the Lord Keeper—"Seeing, my lords, we cannot now hear[h] you, you may shortly perchance hear more of us." A rebuke on the part of the civil power which may not unreasonably be applied to disputants on all such unconstitutional platforms.

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[b] Strype's Ann. i. 56.
[c] Fuller's Ch. Hist. b. ix. p. 56.
[d] Coll. vi. 207.
[e] Mar. 31, 1559.
[f] See Strype's Ann. i. 88 et seq.
[g] See Coll. vi. 207 et seq. Lingard, Hist. Eng. vi. 15.
[h] Fuller, Ch. Hist. b. ix. p. 56.

No other business, save such as related to a subsidy, was treated of in this present convocation, which was finally dissolved[i] on the 9th[j] of May, 1559.

[i] Conc. Mag. Brit. iv. 182.
[j] 1559.

XIX. York pretended provincial synod.

Along with the last convocation that of York also sat, meeting on February 10, and being continued through sundry sessions to April 15, 1559. But of the business in which it was engaged the records do not inform us.

XX. First parliament of Queen Elizabeth enter upon business.

The day after[k] the foregoing convocation of Canterbury assembled, Q. Elizabeth's first parliament, as was said above, met; and soon they entered upon important business.

[k] Stat. at Large in loco.
[l] Jan. 25, 1559 N. S.

Civil sanctions restored to the acts of the Church of England.

The first act[m] of this parliament was, so far as civil sanctions could extend, to restore matters connected with religion to that state in which they were left at K. Edward VI.'s death: the royal title of "supreme head" being now reduced to the less exceptionable term of "supreme governor[n]." And this restoration was effected by repealing the statutes of the late reign which legalized[o] the papal supremacy in England, and imposed penalties[p] on the reformed, and also by reviving the statutes concerning religion which had been passed under K. Henry VIII. and K. Edward VI.[5] The second act[q] of this parliament

[m] 1 Eliz. c. 1.
[n] 1 Eliz. c. 1, sec. 19.
[o] 1 & 2 Phil. and Mar. c. 8.
[p] 1 & 2 Phil. and Mar. c. 6.
[q] 1 Eliz. c. 2.

[5] This act, 1 Eliz. c. 1, repealed 1 & 2 Phil. and Mar. c. 8, 1 & 2 Phil. and Mar. c. 6, and it revived 23 Hen. VIII. c. 9, 24 Hen. VIII. c. 12, 25 Hen. VIII. c. 19, 25 Hen. VIII. c. 20, 25 Hen. VIII. c. 20 (bis), 25 Hen. VIII. c. 21,

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authorized the restoration of the reformed communion office and the Book of Common Prayer. And thus the former acts of the Church in her provincial synods—rejecting[r] the papal supremacy and establishing the second[s] reformed Prayer Book—being now reinforced by the aid of civil sanction, and by the removal of parliamentary prohibitions, again recovered their authority in the civil state: that is, the religion as authorized by the Church of England was now re-established by the laws of the land. Her rites and ceremonies and the Book of Common Prayer were, to use the words of K. Charles the Martyr, "again taken up by this whole Church under Q. Elizabeth, and so duly and ordinarily practised[6]."

[r] See above, chap. x. ad an. 1534.

[s] See above, chap. xi. ad an. 1553 N.S.

Indeed, as soon as Q. Mary died "many[t] in the universities and elsewhere in the country openly" officiated by the reformed service book, even before the statute was passed to re-establish it. And this shews that such persons, at least, thought it the duly authorized ritual of the Church. As regards the civil sanctions now annexed, we are to observe that the restoration of the reformed[u] religion in this respect was nothing more than bringing it back to the state in which the Church had left it before the late persecutions. Q. Mary and her parliament had stifled the religion as authorized by the national Church; and all that the parliament of Q. Elizabeth did was to reinstate that religion by civil sanctions, as it had been reformed and settled by the clergy and allowed by the parliament in the reign of K. Edward, and then subsequently suppressed by violence and outrage in the next succession. It certainly appears on consideration a management every way commendable, by reversing such persecutions, to allow religion to revert into that channel which had been traced out for it by proper synodical authority. It was thus that the civil state, somewhile reluctant, now again listened to the cry of the suffering, and invited the Church of England fearlessly

[t] Coll. vi. 265.

[u] Bp. Pilkington apud Coll. vi. 265.

[6] 26 Hen. VIII. c. 14, 28 Hen. VIII. c. 16, 32 Hen. VIII. c. 38 partially, 37 Hen. VIII. c. 17, 1 Ed. VI. c. 1.

It does not lie within our present purpose to inquire into the very extravagant powers conferred upon the crown by 1 Eliz. c. 1, afterwards repealed by 16 Car. I. c. 11, s. 3, and never again revived so far as the high commission was concerned.

[6] See K. Charles I.'s licence for canons to convocation of 1640. Printed by Robt. Barker, printer to the king's most excellent majesty, 1640.

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to occupy [v] an hospitable haven on the shores of her native land—

> "....Cunctataque paullum
> Surgit; et auditas referens in gurgite voces,
> Portum demus, ait: hæc hospita, credite, puppis
> Adveniet [w]."

[v] Hor. Od. i. 14. 2, 3.

[w] Val. Flac. Arg. lib. ii. 320-3.

Bill for the restoration of the Prayer Book.

The bill [x] for the restoration of the Prayer Book and the reformed communion office was introduced [y] into the House of Commons on the 18th of April [z], and received its third reading there on the 20th [a] of that month. And by this dispatch we may gather that the people of England were generally [b] inclined towards a restoration of the reformed offices of the Church. It met with somewhat more of an opposition in the House of Lords; for having [c] been there introduced on April 26, Scott [d], bishop of Chester, and Feecknam, abbot of Westminster, spoke in opposition to it. Notwithstanding the bill soon [dd] passed also there.

[x] 1 Eliz. c. 2.

[y] Coll. vi. 234.

[z] 1559.

[a] Strype's Ann. i. 68.

[b] Strype's Ann. i. 72.

[c] Strype's Ann. i. 60, 61.

[d] Coll. vi. 234.

[dd] Lingard, Hist. Eng. vi. 16.

A defect in its management.

There is, however, one point connected with this act which one can no way undertake to defend. By the third [e] section it was enacted that in the second reformed Prayer Book (now again statutably revived) "there should be one alteration or addition of certain lessons to be used on every Sunday in the year [7]—and the form of the litany altered and corrected [8]—and two sentences only added in the delivery of the sacrament to the communicant [9]." Now,

[e] 1 Eliz. c. 2, s. 3.

[7] In the second reformed Prayer Book [a] proper lessons had been appointed only for some Sundays and holidays. There were now added "[b] proper lessons to be read for the first lessons both at morning and evening prayer on the Sundays throughout the year, and for some also the second lessons." The table of Lessons for Sundays and holidays was also now divided.

[a] Prayer Book, 1552.

[b] Prayer Book, 1559. See Pickering's Reprints, London, 1844. Card. two Lit. pp. 8—10. Bulley's Variations pref. viii. note.

[8] The corrections in the litany * were as follow. The phrase, "from the tyranny of the Bishop of Rome and all his detestable enormities," contained in the second reformed book of K. Edward VI.'s reign, was now omitted, and the prayer, "strengthen in the true worshipping of thee in righteousness and holiness of life," was added.

[9] The additions in the communion office referred to in the act were these. The second reformed book † of K. Edward's reign appointed these words at the delivery of the bread to the communicant: "Take and eat this in remembrance that Christ died for thee, and feed on Him with thy heart by faith with thanksgiving." And when the cup is delivered: "Drink this in remembrance that Christ's blood was shed for thee, and be thankful." Now before the first of these sentences was prefixed: "The body of our Lord Jesus Christ, which was given for thee, preserve thy body and soul unto everlasting life" (Take and eat this, &c.); and before the

* Coll. Records, No. 77. † Coll. Records, No. 77.

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when religion was allowed by the civil power to revert into that channel to which the Church had directed it, all the formularies should have been left in the same state in which they had been placed by synodical authority, and the second reformed Prayer Book should have been restored unaltered. Undoubtedly the alterations now made, especially those specified in the act[f], were such as may well commend themselves to favourable acceptance. The appointment of first lessons for morning and evening prayer on all Sundays throughout the year was a most useful direction for the clergy; the omission of an unseemly supplication in the litany was far from being objectionable; and the addition to the sentences in the delivery of the holy eucharist was in itself every way praiseworthy, as bringing up the language of the office in the administration of that rite to a worthy significancy. These alterations in themselves may be undeniable improvements, and yet the way in which they were made may be far from defensible.

[f] 1 Eliz. c. 2, s. 3.

It is true that parliament did not make either these or the other alterations specified in the subjoined note by their own authority. The reformed Prayer Book had been referred to a committee[1] of divines[g] who were ordered to bring the whole

[g] Fuller, Ch. Hist. b. vii. p. 386, & Strype's Ann. i. 82.

second was prefixed: "The blood of our Lord Jesus Christ, which was shed for thee, preserve thy body and soul unto everlasting life" (Drink this, &c.).

But though these are mentioned in the act as the only alterations in the Prayer Book now printed, the learned person who drew the act (as we frequently have to observe in ecclesiastical matters) led the legislature into a snare. There really were some other alterations which escaped his observation. For instance,

1. There is a slight variation in the wording of the first rubric before morning prayer[c].

2. There is a slight variation in the second rubric before morning prayer referring to ecclesiastical vestments[d].

3. There is an addition of a prayer for the king in the end of the litany[e].

4. And also an addition of one for the clergy[f].

5. And of the prayer, "O God, whose nature and property[g]," &c.

6. There is an omission of one of the collects to be used in time of dearth[h].

7. And an omission of a note appended to the prayer of S. Chrysostom, to this effect: "The litany shall ever end with the collect following[i]."

[c] Coll. Records, No. 77.
[d] Ibid.
[e] Ibid.
[f] Ibid.
[g] Ibid.
[h] Ibid.
[i] Ibid.

[1] 1. Mr. Whitehead, formerly chaplain to Q. Anne Boleyn. 2. Matt. Parker, afterwards archbishop of Canterbury. 3. Edmund Grindal, afterwards bishop of London. 4. Rich. Cox, afterwards bishop of Ely. 5. James Pilkington, afterwards bishop of Durham. 6. Dr. May, dean of S. Paul's and master of Trin. Coll. Camb. Dr. Bill. To these Sir Thomas Smith, D.C.L., was joined in the commission to aid in the performance, and Dr. Guest, another divine.—Full. Ch. Hist. b. vii. p. 386. Coll. vi. pp. 248-9.

service under a review. These gentlemen entered upon the business committed to them in December, 1558, and finished their performance[h] some time in April following. Relying on their judgment, the parliament passed the service in the way it was delivered to their hands, without any amendment save in one circumstance. In the draft of the committee the posture in receiving the eucharist was left indifferent, but this it seems was restrained to kneeling by parliament.

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[h] Coll. vi. 249.

But, as was said, however good these alterations now made in the second reformed Prayer Book were, still the means by which they were effected falls very far short of satisfaction. According to the rules of the Church and the ancient constitution[2] of this country no committee, except one invested with full power for such a purpose by synodical authority, can rightly make any change in the formularies of divine worship. And the foregoing alterations must be admitted to have been a great blemish in the proceedings now under consideration, and one which was not wiped away until the enactment of the fourth, sixth, fourteenth, thirty-sixth, and the eightieth canons of 1603-4, by which this Prayer Book in a somewhat altered state was synodically ratified. This question does not indeed affect us in the present day, because the ratification of the Prayer Book by the canons above quoted[i], and, subsequently, the final establishment of our present divine offices by the authority of both provincial synods[j] on the 20th of December[k], 1661, have long ago cured any defects: but the blemishes[l] which existed between the years 1559 and 1604 it would be unreasonable to overlook or defend.

[i] 1603-4.

[j] Syn. Ang. ii. 95.
[k] Conc. Mag. Brit. iv. 566.
[l] Vid. inf. p. 553.

The Prayer Book was soon printed after it passed the parliament. That assembly was dissolved[m] on the 8th of May, 1559; and on the 24th of June following the act[n] for the use[o] of the book began to take effect.

[m] Coll. vi. 250.
[n] 1 Eliz. c. 2. s. 2
[o] Strype's Ann. i. 81.

XXI. A mortality among the bishops.

About the time of Q. Mary's death there was a remarkable mortality among the English prelates. Four[3] expired just before[p] her de-

[p] Fuller, Ch. Hist. b. ix. p. 58.

[2] The very remarkable powers conveyed to the crown by 1 Eliz. c. 1, sec. 18 (powers happily long ago withdrawn), are here of course not taken into account.

[3] 1. John Capon, bishop of Salisbury. 2. Robt. Purfew of Hereford. 3. Maurice Griffin of Rochester. 4. William Glyn of Bangor.—Fuller, Ch. Hist. b. ix. p. 58.

A. D. 1559. Archbps., See of Canterbury vacant. Nicholas Heath, intruded.

cease, six [4] just after [q] her decease; thus vacancies in ten sees occurred by death.

Others refuse the oath of supremacy.

In [r] the following year the intruded Archbishop of York and thirteen [5] of those who had held [5] bishoprics in Q. Mary's reign refused the oath of supremacy, which was [t] tendered to them in consequence of the statute 1 Eliz. c. 1, and were either deprived or forced to resignations. But of these fourteen prelates three did not rightly fill the sees they held: N. Heath had been intruded into the archiepiscopal see of York, in the place of R. Holgate; G. Bourn into the see of Bath and Wells, in the place of W. Barlow; and J. Turberville into the see of Exeter, in the place of Miles Coverdale. And these intrusions had taken place when Q. Mary by the force of the regale overthrew the fabric of the reformed Church.

Of the eleven remaining bishops, grave exceptions may be taken against the consecrations of those among them who were appointed by Q. Mary [u] after the imprisonment of the two metropolitans. The canonical character of such proceeding is highly unsatisfactory; however, as those prelates who were in this case had never as bishops in their own persons denied the papal jurisdiction in England, nor given their adhesion to the principles of the reformation, they, at least, may be supposed now to have refused the oath of supremacy on honest convictions, and to have gone off on motives of conscience. But we are to consider that some [v] of the eleven bishops now under consideration had taken the oath of the supremacy of the crown in a much more offensive form under K. Henry VIII., and had also complied with the reformation

[q] Fuller, Ch. Hist. b. ix. p. 58. & Coll. vi. p. 251.

[r] Courayer, Valid. Eng. Ord. pp. 55—57.

[s] See Fuller, Ch. Hist. b. ix. pp. 58, 59. & Strype's Ann. i. 73.

[t] Strype's Ann. i. 143 et seq. Lingard, Hist. Eng. vi. 16.

[u] See Rev. R. I. Wilberforce on Supremacy, p. 254.

[v] Coll. vi. 252.

[4] 1. Reginald Pole, archbishop of Canterbury. 2. John Hopton, bishop of Norwich. 3. John Brooks of Gloucester. 4. John Holyman of Bristol. 5. Henry Morgan of S. David's; and, 6. John Christopherson of Chichester.—Fuller, Ch. Hist. b. ix. p. 58, and Coll. vi. 251.

The see of Oxford, it must be remarked, was void at this time, and so continued for some years.—Fuller, Ch. Hist. b. ix. p. 63.

[5] The thirteen were: 1. Edmund Bonner, bishop of London. 2. Cuthbert Tunstall of Durham. 3. Thomas Thirlby of Ely. 4. Gilbert Bourn of Bath and Wells. 5. John White of Winchester. 6. Thomas Watson of Lincoln. 7. Ralph Payne of Coventry and Lichfield. 8. Owen Oglethorpe of Carlisle. 9. James Turberville of Exeter. 10. David Pool of Peterborough. 11. Cuthbert Scott of Chester. 12. Richard Pate of Worcester. 13. Thomas Goldwell of S. Asaph. —Cambden's Eliz. Comp. Hist. vol. ii. p. 376, and Coll. vi. 251.

under K. Edward VI. As regards those who were thus circumstanced they had receded under Q. Mary from the principles of the reformation which they had formerly avowed, and had gone all the lengths of the court. Now as these persons had then again acknowledged the supremacy of the Pope, after having previously renounced it, it would have been somewhat surprising in them to have turned another time, and so it is likely that it appeared to them necessary now to make a stand and abide by[w] their last change. Indeed, one bishop only was found unscrupulous enough to permit neither conscience nor shame to interfere with his worldly interest. This was Anthony Kitchen[x], bishop of Llandaff, called by Cambden "the[y] scourge of his diocese," and his faith on all occasions seems to have been subservient to his pocket.

A.D. 1559. Q. Eliz.

[w] Coll. vi. 252.

[x] Fuller, Ch. Hist. b. ix. p. 59.

[y] Cambden's Eliz. Comp. Hist. ii. 376.

The lower clergy generally favourable to the principles of the reformation.

Among the lower orders of the clergy it does not appear that many in proportion to the whole number[6] were deprived or resigned upon the restoration of religion to the reformed standard. If the number amounted to the larger figures as given by Collier, viz. 230, even that does not appear considerable under the circumstances, when we remember that the spiritual promotions in England at this time were reckoned at nine thousand four hundred[z], and the clergy at sixteen thousand[a]. It leads us to believe, while giving our countrymen credit for honest behaviour, to which the torrents of blood lately shed for conscience sake most justly entitle them, that the clergy were generally disposed to the principles of the reformation, and attached to those doctrines and formularies which had been synodically authorized previously to the late persecutions on the part of Q. Mary, her court, and her parliaments.

[z] Cambden's Eliz. Comp. Hist. ii. 376. Coll. vi. 252. & Strype's Ann. i. 73.

[a] Warner, ii. 347.

XXII. Accession of Matthew Parker to the see of Canterbury.

To fill the see of Canterbury, vacant by the death of Cardinal Pole, Matthew Parker was chosen,—a man every way qualified for so difficult a post at so difficult a time. He possessed an admirable mixture of self-respect and manly determination, tempered with good nature and kindly methods of dealing with opponents. Of his courage, honesty, and plain dealing we are

[6] Cambden (Eliz. Comp. Hist. ii. 376) gives the number as 184. Fuller (Ch. Hist. b. ix. p. 59) gives the number as 175. Collier (Eccl. Hist. vi. 252) gives the number as 230.

A. D. 1559. Archbp., Matthew Parker. See of York vacant.

assured by the expressions contained in[b] his letter to secretary Cecil, conveying very undisguisedly his opinion on certain remarks which the queen had thought fit to make on the cœlibacy of the clergy. On the other hand we may learn from his own words how much he was disposed to use gentle methods in bringing the Roman party to a less exceptionable faith, and to soften down some of those rugged expedients which were authorized by the act of assurance[c]. "My design," he said, "is[d] only to recommend the governing our flocks with pastoral care, it being part of our character not to be swayed by resentment and private regards, but to proceed by gentle motions and endeavour to gain the misled by methods of lenity." His fitness for the see of Canterbury seems however to have been perceived by others sooner than by himself, for when this preferment was proposed to him[e], he very earnestly declined it. These scruples were however with[f] some difficulty overcome, and on the[g] 17th of December, 1559[h], he was consecrated in Lambeth chapel by the imposition of the hands of William Barlow[i], formerly bishop of Bath and Wells, of John Scory[j], formerly bishop of Chichester, of Miles Coverdale, formerly bishop of Exeter, and of John Hodgkins, suffragan bishop of Bedford.

[b] Col. vi. 335-7.

[c] 5 Eliz. c. 1.

[d] Coll. vi. 369.

[e] Strype's Parker, p. 35.

[f] Strype's Parker, pp. 38, 39.

[g] Strype's Parker, p. 57.

[h] Courayer on Eng. Ord. p. 41. Coll. vi. 301. Fuller, Ch. Hist. b. ix. pp. 60, 61.

[i] Courayer, Eng. Ord. p. 58.

[j] Courayer, Eng. Ord. p. 45.

Other sees filled up.

After Parker's consecration the ten[k] sees vacant by death were filled up; the two bishops, Barlow and Scory, above mentioned being now reinstated, were translated, the former to Chichester and the latter to Hereford, and the remainder[l] of the bishopries were disposed of within a short time, with the exceptions only of Oxford, which for a season remained vacant, and of Bristol, which was held in commendam with Gloucester by Richard Cheyney[m]. The Church, as reformed by proper ecclesiastical authority before the persecutions of the late reign, now recovered herself. She had passed through her time of fiery trial; a more peaceful season awaited her. The reformed doctrines were again restored and reinforced, as we shall see directly, under full synodical sanctions, and thus sure advances were made towards silencing the voice of discord,—

[k] Vid. sup. p. 544

[l] See Fuller, Ch. Hist. b. ix. p. 63. Coll. vi. 302, and Strype's Ann. i. 157.

[m] Fuller, Ch. Hist. b. ix. p. 631.

"Tum demum placidâ contentus pace quiesces,
Sævaque mitescet posito discordia ferro."

CHAPTER XIII.

ENGLISH SYNODS.

FROM THE ACCESSION OF ARCHBISHOP MATTHEW PARKER TO THE DEATH OF ARCHBISHOP JOHN WHITGIFT, DEC. 17, 1559—FEB. 29, 1604 N.S.

THE RECOVERY OF THE CHURCH OF ENGLAND.

SUMMARY.

I. Ancient ecclesiastical liberty of England regained—Synod of bishops only in 1561—Second session—Some remarks on this synod of bishops only, not a legislative assembly. II. York provincial Synod. III. Diocesan Synod of S. Asaph. IV. Canterbury provincial Synod of 1563 N.S.—Forms observed in assembling this provincial synod—Presentation of the prolocutor, Dr. Nowell—The forms then observed more satisfactory than those of the present day—Establishment of the thirty-nine articles of religion—Some remarks on their synodical authority, as derived from both provinces—How far the thirty-nine articles of religion now authorized differed from the forty-two articles of 1552-3—Controversy on the clause for Church power in the twentieth article—A catechism—Attempts in upper house to alter ceremonies of religion—Like attempts in the lower house—Temporal business transacted in this synod—Schedule of discipline—Two bills prepared for the parliament by the synod, but with different results—Homilies revised by upper house in the synod—Other business proposed in this synod—Some papers presented—Another paper—Consultation among the bishops. V. York provincial Synod of 1563 N.S. VI. Canterbury provincial Synod of 1566. VII. Canterbury provincial Synod of 1571—Dr. Ailmer chosen prolocutor—Cheyney, bishop of Gloucester, excommunicated for non-attendance—Thirty-nine articles of religion again published by this synod, under Bishop Jewel's editorship—Book of Canons agreed on by the bishops. VIII. York provincial Synod of 1571. IX. Canterbury provincial Synod of 1572—Archbishop Parker's opening speech—Dr. Whitgift chosen prolocutor—Convocational privilege of freedom from arrest granted—Other instances of this privilege—A digression shewing the origin of this privilege. X. Canterbury provincial Synod of 1576 N.S—Edmund Grindal translated from York to Canterbury—Articles of 1576 N.S.—Some points for consideration respecting these articles, 1, 2, 3. XI. Provincial synods of 1581 N.S.—Canterbury Synod of 1581 N.S.—Dr. Day elected prolocutor—Tenets of the "family of love" brought under the notice of this synod—Five articles agreed on in this synod—Schedules on the subject of excommunication introduced—Subject of penance

introduced—Form of penance proposed by Archbishop Grindal to this synod—Temporal business. XII. Provincial synods of 1584—Canterbury Synod of 1584—Dr. Redman prolocutor—Parliamentary essays at interference in Church matters—Temporal business—John Hilton's penance—Six articles passed in this synod—Other orders set forth in this synod—A petition put up. XIII. Provincial synods of 1586—York provincial Synod—Their synodical address to the queen—Proctors' and officers' fees—Canterbury provincial Synod—Dr. Redman prolocutor—Assessors appointed—Business of the synod—Orders for the increase of learning among the inferior clergy—Other orders—Schedules of gravamina brought in—Schedule of complaint from Norwich diocese—Schedule of complaint from Suffolk archdeaconry—Controverted election of a proctor—Right of curates to vote at the election of a proctor—A subsidy granted—A petition to the queen—An exhortation of the archbishop—Schismatical endeavours of dissenters, "The Holy Book of Discipline"—The synod takes exception to this book—The synod breaks up. XIV. Provincial synods of 1589 N.S.—Canterbury provincial Synod—Mr. Styll preacher and prolocutor—Subsidy granted—Serjeant Puckering's essay in divinity—Archbishop Whitgift prevented by illness from attending the synod—Some ecclesiastical business transacted—Contribution in the lower house for two converted Romish priests—Orders for the province of Canterbury introduced—A party in the parliament endeavours to undermine the Church—The synod address her majesty on the subject—Archbishop Whitgift's letter on the payment of subsidies. XV. Provincial synods of 1593 N.S.—Parliamentary interference in ecclesiastical matters again renewed, but checked by the queen—Canterbury provincial Synod of 1593 N.S.—Andrews' sermon—Temporal business transacted—Ecclesiastical business transacted—An address to the lord treasurer from this synod—The two provincial synods dissolved. XVI. Provincial synods of 1597—Parliamentary interference in Church matters does not pass with an easy motion—Canterbury provincial Synod of 1597—Mischievous practice of returning *ex officio* members as proctors reproved by Archbishop Whitgift—Schedules of reformanda introduced—Marriage licences—Draft of ordinances to be allowed by the queen—Constitutions of 1597. XVII. Provincial synods of 1601—Canterbury provincial Synod—Dr. Matthew Sutcliffe prolocutor—Synodical business—The synod dissolved. XVIII. Death of Q. Elizabeth. XIX. Accession of K. James I. XX. Death of Archbishop Whitgift.

> Καὶ γῆν φανεῖσαν ναυτίλοις παρ' ἐλπίδα,
> κάλλιστον ἦμαρ εἰσιδεῖν ἐκ χείματος,
> ὀδοιπόρῳ διψῶντι πηγαῖον ῥέος.
>
> ÆSCH. *Agam.* 872-4.

> "Nec fera tempestas toto tamen horret in anno,
> Et tibi (crede mihi) tempora veris erunt."
>
> OVID. *Fast.* i. 495-6.

A.D. 1560. Archbps., Matthew Parker, Thomas Young.

I. Ancient ecclesiastical liberty of England regained.

The ancient ecclesiastical liberty of England and her original independence on the see of Rome was now again secured, and we shall proceed to consider the records of synods held here under the legitimate authority of our national Church.

Synod of bishops only in 1561.

The first ecclesiastical assembly convened during the period now under consideration was a synod of bishops[a] only, held in the spring of the year 1561, wherein some important business was transacted.

A.D. 1561. Q. Eliz.

[a] Conc. Mag. Brit. iv. 224.

LIST OF ENGLISH SYNODS, A.D. 1559—1604.

Date. A.D.	Place.	Archbishop.	Sovereign.	Reference.	Nature of Assembly.
1561, April 12	Lambeth	Matthew Parker, archbp. of Cant.	Q. Elizabeth..	Conc. M. B. iv. 224	Synod of Bishops only.
1561, April 24	York	Thos. Young, abp. of York	Q. Elizabeth..	Ibid. 230	Provinc. Synod.
1561, Nov. 12	S. Asaph	Thos. Davies, bp. of S. Asaph	Q. Elizabeth..	Ibid. 228	Diocesan Synod.
1563 N.S. Jan. 12	S. Paul's	Matthew Parker ..	Q. Elizabeth..	Ibid. 232. 240. 243	Provinc. Synod, with continuations to Ap. 14.
1563 N.S. Feb. 5	York	Thos. Young	Q. Elizabeth..	Ibid. 243	Provinc. Synod, with continuations to Mar. 31.
1564, Oct. 6	.....	Matthew Parker ..	Q. Elizabeth..	Ibid. 243. 246	Cant. Pro. Synod.
1564, Oct. 6	.....	Thos. Young	Q. Elizabeth..	Ibid. 243. 246	York Pro. Synod.
1565, May 1	.....	Matthew Parker ..	Q. Elizabeth..	Ibid. 246. 251	Cant. Pro. Synod.
1565, May 1	.....	Thos. Young	Q. Elizabeth..	Ibid. 251	York Pro. Synod.
1565, Oct. 5	.....	Matthew Parker ..	Q. Elizabeth..	Ibid. 251	Cant. Pro. Synod.
1565, Oct. 5	.....	Thos. Young	Q. Elizabeth..	Ibid. 251	York Pro. Synod.
1566 N.S. Feb. 8	.....	Matthew Parker ..	Q. Elizabeth..	Ibid. 251	Cant. Pro. Synod.
1566 N.S. Feb. 8	.....	Thos. Young	Q. Elizabeth..	Ibid. 251	York Pro. Synod.
1566, Oct. 1	.....	Matthew Parker ..	Q. Elizabeth..	Ibid. 251	Cant. Pro. Synod, with continuations to Jan. 3, 1557 N.S.
1566, Oct. 1	.....	Thos. Young	Q. Elizabeth..	Ibid. 251	York Pro. Synod, with continuations to Jan. 15, 1557 N.S.
1571, April 3	S. Paul's	Matthew Parker ..	Q. Elizabeth..	Ibid. 261. 263	Provinc. Synod, with continuations to May 30.
1571, April 3	York	Edmund Grindal, archbp. of York	Q. Elizabeth..	Ibid. 270	Provinc. Synod, with continuations to June 20.
1572, May 9	S. Paul's	Matthew Parker ..	Q. Elizabeth..	Ibid. 270	Provinc. Synod, with continuations.
1572, May 9	York	Edmund Grindal	Q. Elizabeth..	Ibid. 273	Provinc. Synod, with continuations.
1572, Nov. 2	.....	Matthew Parker ..	Q. Elizabeth..	Ibid. 272	Cant. Pro. Synod.

A.D. 1561. Archbps., Matthew Parker, Thomas Young.

In the first session it seems that eleven articles[b] were agreed on, containing the pith of those settled by the synod of 1552-3, and ratified, as we shall presently[c] see, by that of 1563 N.S. They began by asserting some great Catholic truths, and so proceeded to disable sundry Romish errors. The eleven[d] articles now decided upon were in brief as given below[1].

[b] Coll. vi. 309. Strype's Parker, p. 91.

[c] See below ad an. 1563 N.S.

[d] Strype's Parker, pp. 91, 92.

[1] 1. An assertion of the doctrine of the Trinity.

2. An assertion that holy scripture contained all things necessary to salvation.

3. An acknowledgment of the three creeds.

4. An assertion that the Church was the spouse of Christ, wherein the word of God was truly taught, the sacraments properly administered, and the power of the keys duly used.

5. An assertion that no man might take upon himself the office of the ministry unless lawfully called, and an acknowledgment of the queen's prerogative in causes ecclesiastical and temporal.

6. An assertion that the Bishop of Rome by the word of God had not more authority than other bishops in their provinces and dioceses, and consequently that the power which he had affected in England was usurped and had been justly taken away.

[7. An

LIST OF ENGLISH SYNODS, A.D. 1534—1553—*continued*.

Date. A.D.	Place.	Archbishop.	Sovereign.	Reference.	Nature of Assembly.
1572, Nov. 12	York	Edmund Grindal	Q. Elizabeth..	Conc. M. B. iv. 273	Provinc. Synod.
1573 N.S. Jan. 12	.....	Edmund Grindal	Q. Elizabeth..	Ibid. 273	York Pro. Synod.
1573 N.S. Jan. 13	.....	Matthew Parker ..	Q. Elizabeth..	Ibid. 272	Cant. Pro. Synod.
1573, April 2	.....	Matthew Parker .	Q. Elizabeth..	Ibid. 272	Cant. Pro. Synod.
1573, April 2	.....	Edmund Grindal	Q. Elizabeth..	Ibid. 279	York Pro. Synod.
1573, Oct. 13	.....	Matthew Parker ..	Q. Elizabeth..	Ibid. 273	Cant. Pro. Synod.
1573, Oct. 14	.....	Edmund Grindal	Q. Elizabeth..	Ibid. 279	York Pro. Synod.
1574 N.S. Feb. 5	.....	Matthew Parker ..	Q. Elizabeth..	Ibid. 273	Cant. Pro. Synod.
1574 N.S. Feb. 5	.....	Edmund Grindal	Q. Elizabeth..	Ibid. 279	York Pro. Synod.
1574, April 20	.....	Matthew Parker ..	Q. Elizabeth..	Ibid. 273	Cant. Pro. Synod.
1574, April 20	.....	Edmund Grindal	Q. Elizabeth..	Ibid. 279-80 .	York Pro. Synod.
1574, Oct. 21	.....	Matthew Parker ..	Q Elizabeth..	Ibid. 279	Cant. Pro. Synod.
1575 N.S. March 11	.....	Matthew Parker ..	Q. Elizabeth..	Ibid. 279 ...	Cant. Pro. Synod.
1575, Nov. 8	.....	See vacant	Q. Elizabeth..	Ibid. 279-80 .	Cant. Pro. Synod.

[*1576 N.S. St. Paul's

Second session. The second session of this synod was held in the middle [2] of April at Lambeth [e]. On this occasion, when Thomas Young, archbishop of York, was present, the articles above mentioned were ratified, and orders were given that they should be accordingly put into execution. Some further arrangements were then also agreed upon by

A. D. 1561. Q. Eliz.

e Conc. Mag. Brit. iv. 224. Strype's Parker, p. 92.

7. An assertion that the Book of Common Prayer and administration of the sacraments was agreeable to the scriptures.

8. An assertion that the sacrament of baptism was complete, though exorcism and the applications of oil, salt, and spittle should be omitted.

9. An assertion that private masses were not warranted by primitive usage; that the mass is not a propitiatory sacrifice for the quick and dead, nor capable of delivering souls out of purgatory, such doctrine being neither warranted by Christ's teaching nor by Apostolic practice.

10. An assertion that the holy communion should be administered under both kinds.

11. An assertion that the exaltation of images and relics, the material representations of God the Father and of the Holy Ghost, as well as the flourishes upon counterfeit miracles, should be disallowed.

[2] In Conc. Mag. Brit. iv. 224, April 12 is given as the date. In Strype's Parker, p. 92, April 21 is assigned as the day of this meeting.

LIST OF ENGLISH SYNODS, A.D. 1534—1553—*continued.*

Date. A. D.	Place.	Archbishop.	Sovereign.	Reference.	Nature of Assembly.
*1576 N.S. Feb. 10	S. Paul's	See vacant	Q. Elizabeth..	Conc. M. B. iv. 280, 281. 284, 285.	Cant. Pro. Synod, with continuations to Mar. 17.
*1576 N.S. Feb. 9	.....	Edmund Grindal	Q. Elizabeth..	Ibid. 280. 283. 288.	York Pro. Synod, with continuations to Ap. 19.
1576, Nov. 6	.....	Edmund Grindal, archbp. of Cant.	Q. Elizabeth..	Ibid. 285	Cant. Pro. Synod.
1576, Nov. 6	.....	Edwyn Sandys, abp. of York	Q. Elizabeth..	Ibid. 288	York Pro. Synod.
†1581 N.S. Jan. 17	S. Paul's	Edmund Grindal	Q. Elizabeth..	Ibid. 285. 292-3. 298-9	Cant. Pro. Synod, with continuations to Ap. 25.
1581 N.S. Jan. 17	York	Edwyn Sandys....	Q. Elizabeth..	Ibid. 301-2 ..	Provinc. Synod, with continuations to April 7.
1581, May 30	York	Edwyn Sandys....	Q. Elizabeth..	Ibid. 302	Provinc. Synod.
1583, April 20	.....	Edmund Grindal	Q. Elizabeth..	Ibid. 293	Cant. Pro. Synod.

[1584, Nov. 24

* During the sitting of these provincial synods, Archbishop Grindal was translated from York to Canterbury.

† Conc. Mag. Brit. p. 292. In reference to this synod the date of 17th Jan. MDLXXIX. must, it is certain, be printed for MDLXXX., otherwise it does not accord with the dates given at pp. 285—293, nor with the summons for the York Synod, nor with the general history. Coll. vi. 609—612, and Strype's Grindal, 256.

A.D. 1561. Archbps., Matthew Parker, Thomas Young.

the bishops, and were digested into nine items. Those items were as given below[3].

Some remarks on this synod of bishops only, not

Such were the proceedings of the first synod held during this period. But however excellent

[3] 1. That a review of readers should be taken by the ordinaries.

2. That the declaration devised for unity of doctrine should be enforced.

3. That at institution to a benefice the presentee should be examined upon oath as to whether he had entered into any secret compact with the patron.

4. That every minister should be admitted by the ordinary; and that in case of removal to a fresh cure, the minister should produce a testimony from his late diocesan.

5. That popish service books should be abolished.

6. That in addition to the catechism for children, a more comprehensive form should be devised for adult communicants, and a third form in Latin for schools.

7. That priests who had been deprived and private chaplains should undertake cures or be excommunicated.

8. That marriages within the Levitical degrees should be dissolved; and those who had married two sisters were specially named as coming under this direction.

9. That twenty shillings should be paid by every bishop of the Canterbury province to the metropolitan Church as a composition for all dues; and that the archbishops and bishops should contribute according to the proportion of their revenues towards the expenses of learned strangers at Oxford and Cambridge.

LIST OF ENGLISH SYNODS, A.D. 1559—1604—*continued.*

Date. A.D.	Place.	Archbishop.	Sovereign.	Reference.	Nature of Assembly.
1584, Nov. 24	S. Paul's	John Whitgift, abp. of Cant.	Q. Elizabeth..	Conc. M. B. iv. 306. 315	Provinc. Synod, with continuations to Feb. 11, 1586 N.S.
1584, Nov. 24	York	Edwyn Sandys....	Q. Elizabeth..	Ibid. 315. 319	Provinc. Synod, with continuations to Tuesday before Whit-Sunday, 1585.
1586, Oct. 16	York	Edwyn Sandys....	Q. Elizabeth..	Ibid. 323. 325	Provinc. Synod, with continuations to Mar. 23, 1587 N.S.
1586, Nov. 2	S. Paul's	John Whitgift	Q. Elizabeth..	Ibid. 321	Provinc. Synod, with continuations to Mar. 24, 1587 N.S.
1589 N.S. Feb. 5	S. Paul's	John Whitgift	Q. Elizabeth..	Ibid. 335. 341. Syn. Ang. ii. 164. 175	Provinc. Synod, with continuations to April 2, 1589.
1589 N.S. Feb. 5	York	John Piers, abp. of York	Q. Elizabeth..	Conc. M. B. iv. 340-1	Prov. Syn. with continuations to Ap. 18, 1589.

[1593 N.S. Feb. 20

a legislative assembly.

some of the foregoing provisions were, we are to consider that this was a synod of bishops only, and therefore any canons passed in it would not be binding on the English Church. This synod wanted an essential element in its composition, the second order of the priesthood. The archbishops and bishops of England possess, it is admitted, executive powers of a very large and extensive character (would that they were even more extensive and more stringently executed!); but legislative power, according to the ancient constitution of this Church, by themselves they have none. Should our reverend fathers in God at any time meet together to devise plans for executing existing ecclesiastical laws, their deliberations might prove most useful to the Church, and might greatly facilitate the discharge of their own sacred duties; but to define doctrine or enact ecclesiastical canons without the consent of the presbyters or their representatives are functions not involved in the archiepiscopal or episcopal character in England. Were it otherwise, the seventh[ee] of the foregoing articles would have given sufficient sanction to the Elizabethan Prayer Book, but as the matter stands that article falls short of satisfac-

A.D. 1561. Q. Eliz.

[ee] Vid. sup. p. 551, and compare pp. 541—543.

LIST OF ENGLISH SYNODS, A.D. 1559—1604—*continued.*

Date. A.D.	Place.	Archbishop.	Sovereign.	Reference.	Nature of Assembly.
1593 N.S. Feb. 20	S. Paul's	John Whitgift	Q. Elizabeth..	Conc. M. B. iv. 343	Provinc. Synod, with continuations to Ap. 11, 1593.
1593 N.S. Feb. 20	York	John Piers	Q. Elizabeth..	Ibid. 345	Provinc. Synod, with continuations to Ap. 20, 1593.
1597, Oct. 25	S. Paul's	John Whitgift	Q. Elizabeth..	Ibid. 352	Provinc. Synod, with continuations to Feb. 10, 1593 N.S.
1597, Oct. 25	York	Matthew Hutton, archbp. of York	Q. Elizabeth..	Ibid. 357	Provinc. Synod, with continuations to Feb. 16, 1598 N.S.
1601, Oct. 18	S. Paul's	John Whitgift	Q. Elizabeth..	Ibid. 363	Provinc. Synod, with continuations to Dec. 21, 1601.
1601, Oct. 28	York	Matthew Hutton..	Q. Elizabeth..	Ibid. 364	Provinc. Synod, with continuations to Nov. 30, 1601.

A. D. 1561. Archbps., Matthew Parker, Thomas Young.

tion, and the defect in the book as stated[f] above still remained for a season uncured[g].

II. York provincial Synod.

The second[h] ecclesiastical assembly which met during this period was a provincial Synod at York; it was convened on April 24, 1561, but nothing appears to have been there done, save the granting of money.

III. Diocesan Synod of S. Asaph.

The third ecclesiastical assembly held during this period was the diocesan synod which assembled at S. Asaph, under the presidency of Bishop Thomas Davies, on the 12th of November, 1561. The ordinances there set forth, chiefly concerning the discipline of his clergy, were of a laudable character. They were digested into eighteen heads, and were of the tenor given below[i].

[f] Vid. last chap. pp. 541. 543.

[g] See Canons of 1604.

[h] Conc. Mag. Brit. iv. 230.

[i] 1. That the catechism should be published in all their churches in the Welsh language, and in some of the churches in English.

2. That banns should be thrice published, save in cases of canonical dispensation.

3. That hospitality should be shewn by clerks, and glebe property maintained in repair.

4. That the sick should be exhorted in making their wills to remember the needful reparation of the cathedral church, and also to be mindful of the poor.

5. That wills should be certified to the bishop within a fortnight of the decease of the testator.

6. That feigned relics and superstitious remains should be abolished.

7. That registers should be duly kept.

8. That all clerks under the degree of M.A. should provide themselves with a New Testament in Latin and English, and also with the paraphrase of Erasmus; and that each of such clerks should learn by heart the first chapter of S. Paul's Epistle to the Romans, and the sixth chapter of S. John's Gospel.

9. That all clerks with cure of souls should provide themselves with an unexceptionable form of a will, and also keep in store the necessary materials for making wills, and that in performing such offices they should call in proper witnesses.

10. That every clerk with cure of souls should appoint three or four discreet men to keep order during divine service.

11. That due obeisance should be made at the name of Jesus, and that at prayer time the people should kneel upon their knees.

12. That on Wednesdays and Fridays the litany should be sung or said, and the people bid to resort to prayers at proper times.

13. That no clerk should serve more than one cure without the bishop's special licence.

14. That public service should be read distinctly.

15. That clerks should use a hat and short gown for riding, and a long gown with square cap and tippet when they appear before their ordinary.

16. That after the Epistle and Gospel have been read in the church in English, they should forthwith be read also in Welsh.

[17. That

Much prudent judgment seems to have been exercised in compiling the ordinances set forth in this diocesan synod, an assembly which may well commend itself to imitation, not only as having been formed on the model of those synods which were[i] frequent in the very earliest ages of the Christian Church, but as having been calculated to produce harmony and maintain discipline within those limits to which its authority rightly extended. A.D. 1561. Q. Eliz.

[i] Vid. c. ii. sup.

IV. Canterbury provincial Synod of 1563 N.S.

We now come to one of the most important synods ever held by the English Church, inasmuch as this assembly was the parent of the thirty-nine articles still received among the authoritative standards of our faith. This memorable provincial synod was summoned to meet on the same day with the parliament[j], Jan. 12, 1563 N.S. And it appears that the parliaments of that age had far greater respect to the convocations than some members of our present legislature are wont either to feel or express. For we are told by the learned Sir Simon D'Ewes, when speaking on the subject of the parliament, that the House of Lords sometimes abstained[k] from sitting on convocation days, because the spiritual lords were elsewhere engaged; and in proof of this assertion he quotes an original document in the journal of the upper house[5]. A.D. 1563.

[j] Strype's Ann. i. 280.

[k] Coll. vi. 358.

The meetings of the present synod[l] were continued through thirty-six sessions, and were held sometimes in the chapter-house of S. Paul's, and sometimes, according to the continuation[m], in K. Henry VII.'s chapel at Westminster.

[l] Syn. Ang. pp. 193—221.

[m] Strype's Ann. i. 280.

Forms observed in assembling this provincial synod.

In order that the English provincial synods might be held with due solemnity, and in accordance with ancient practice, Archbishop Parker, or at least[n] some of his officers under his direction, drew up at this time a directory for the purpose. The document is in

[n] Strype's Parker, p. 120.

17. That no man, being known to be out of charity with his neighbour, should be admitted to the holy communion, unless he be first openly reconciled.

18. That any stipend in a parish formerly paid to a "lady-priest" should be transferred to a schoolmaster, to be selected by the bishop, with the assent of such parish.

5 "Dominus cancellarius, propterea quod domini spirituales in convocatione crastino die occupandi sunt, continuavit præsens parliamentum in diem lunæ."—Coll. vol. vi. p. 358.

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Latin[o]. It is needless here to give its contents, because the present convocation was held in accordance with them, so that a due consideration of the proceedings of this synod will give all necessary information on the subject.

[o] See Syn. Ang. pt. ii. p. 1.

On[p] the first day[q] of meeting Archbishop Parker was not present, but Dr. Rob. Weston, official of the court of Canterbury, prorogued the assembly to the next day. In accordance with such prorogation, the synod assembled on Wednesday, Jan. 13, 1563 N.S. The archbishop on that day left Lambeth[r] in his barge about eight o'clock a.m., and landed at Paul's wharf, accompanied by the Bishop of Lincoln. These prelates were met there by the advocates, proctors, and other officials of the court of Canterbury, and thence proceeded on foot to the south door of S. Paul's cathedral. At that spot the dean, canons, and ministers of the church, vested in their surplices, met the procession and conducted the archbishop to the vestry. There he clad himself in the archiepiscopal habit, and thence proceeded, together with the suffragan bishops of his province, all habited in their convocation robes, to the choir. The archbishop having taken his seat in the dean's stall, and the bishops being placed in the stalls of the prebendaries on either side, the litany of the reformed Prayer Book was chanted by the choir, and the hymn "Veni Creator" was sung in English. Mr. William Daye, B.D., provost of Eton, then mounted the pulpit in the middle of the choir, and preached a discourse composed in elegant Latin upon the text, "Feed the flock of God[s] which is among you," &c. After the sermon the first psalm was chanted; and then the holy communion was administered by Ed. Grindal, bishop of London, in which the archbishop and all the bishops present participated.

[p] Syn. Ang. 193. Strype's Parker, 121. Annals, i. 280.

[q] Jan. 12.

[r] Syn. Ang. 194.

[s] 1 Pet. v. 2.

The archbishop and bishops then returned to the chapter-house, where the former took his place in the middle, the[6] suffragans sitting on each side. Some formal business having been dispatched, such as the Bishop of London's return of the mandate for convocation, and the[t] protestation of privilege on

[t] Syn. Ang. 196.

[6] The suffragans were Edmund, bishop of London, Robert of Winchester, William of Chichester, John of Hereford, Richard of Ely, Edwin of Worcester, Rowland of Bangor, Nicholas of Lincoln, John of Salisbury, Richard of S. David's, Edmund of Rochester, Gilbert of Bath and Wells, Thomas of Lichfield and Coventry, William of Exeter, John of Norwich, Edmund of Peterborough, Thomas of S. Asaph, Richard of Gloucester and Commendatory of Bristol.

the part of the Dean of Westminster, the archbishop addressed an eloquent speech to the bishops and clergy, in which he took occasion to acquaint them that a fair opportunity was now offered for completing the reformation of the English Church, as the queen and other notabilities of the land were well disposed to such an undertaking. He concluded by desiring the clergy of the lower house to retire for the choice of their prolocutor, and commended to their notice Dr. Alexander Nowell, dean of S. Paul's, as fit to fill that honourable office, with a direction that the person elected should be presented[u] for confirmation to himself or his representative on the following[v] Saturday in the chapter-house. The archbishop then appointed Mr. Thomas Yale his chancellor, and Mr. William Drurie, LL.D. his commissary, to receive the certificates of the bishops, to inspect the proxies of absent members, and to examine into the causes of such absence; and having pronounced absentees contumacious, penalties being reserved to the next session, he prorogued the synod to the following Saturday, with a direction that the assembly should meet at one o'clock p.m. in the same place.

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[u] Syn. Ang. 197.

[v] Jan. 16.

Presentation of the prolocutor, Dr. Nowell.

On the day[w] appointed the members[x] assembled again in S. Paul's chapter-house. Prayers were offered up by the archbishop himself. The prayers consisted of the litany in Latin, together with the accustomed collects newly arranged so as to suit the occasion, the bishop, clergy, and such laity as were present joining in the responses. After prayers the lower clergy retired, but were soon ordered to return for the purpose of presenting their prolocutor. For this purpose they appeared in large numbers before the archbishop and his suffragans, Gabriel Goodman, dean of Westminster, and Thomas Sampson, dean of Exeter[y], leading forward between them Dr. Alexander Nowell as the person upon whom the clergy's choice had fallen. Goodman made a short Latin speech, setting forth the excellencies and qualifications of the elect, which the latter disclaimed, declining the panegyric, and declaring in a well-conceived speech his insufficiency for the weighty office proposed. However, that he might not appear to shrink from so holy a duty, he professed himself willing to undertake the burden, and after a brief consultation between the

[w] Sat. Jan. 16, 1563 N.S.

[x] Syn. Ang. 198.

[y] Syn. Ang. 199.

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archbishop and his suffragans, he was unanimously accepted and confirmed. The clergy then retired, and the archbishop having first desired the bishops to consider severally what reforms were needful in their respective dioceses, with a view to propose them in the next session, continued the synod, *with the consent of his suffragans*, to the following Tuesday[z], at S. Peter's, Westminster[a].

[z] Jan. 19, 1563 N.S.
[a] Syn. Ang. 200.

The forms then observed more satisfactory than those of the present day.

Such were the forms observed at the opening of this important provincial synod; and it has been thought right to give them thus fully in detail, because from the surrounding circumstances it has been generally considered to afford a fit pattern for the solemnization of subsequent assemblies of the same character.

It may reasonably be lamented that the present practice, though in a great measure borrowed from the precedent of this synod, is not exactly conformable to it, at least so far as regards the sacred offices observed. In the first place the reading of the litany by the single voice of the junior bishop in the choir of S. Paul's, according to present custom, seems less suitable to the solemnity of the time than the chanting of that office by the full cathedral choir, assisted as it would be on such an occasion by the tongues of many devout worshippers. Again, to speak softly, the omission of the holy communion on the occasion of the opening of a provincial synod at the metropolitan cathedral can hardly commend itself as an improvement on the practice observed on this occasion. And further, at the time of the first meeting at Westminster upon continuation, the reading of the litany and prayers by the metropolitan himself would appear an exercise of his sacred office carrying with it a holy and impressive significance, now somewhat marred by the practice of deputing that duty to his junior suffragan.

Establishment of the thirty nine articles of religion.

As was before remarked, the most important business of this synod was the establishment[aa] of our present thirty-nine articles of religion. In the fourth[b] session the business[7] of a review[c] of the articles of 1552-3 was commenced in the upper house, and on the same

[aa] Lingard, Hist. Eng. vi. p. 85.
[b] Jan. 19, 1563 N.S.
[c] Syn. Ang. 201.

[7] It is to be remarked that the pages of "Synodus Anglicana" are numbered wrong in this part of the work; the references here are given as they ought to have been printed.

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day a report[d] was brought up by the prolocutor, stating that a committee had been appointed by the lower house, in whose hands copies of the articles aforesaid had been placed, with a view to their reconstruction and consideration by the whole body. On[e] the following[f] day the upper house was engaged[g] upon the copy submitted to them, and after three intermediate[h] sessions of secret discussion the body of articles (viz. the thirty-nine now received) was agreed to[i] unanimously, and the episcopal signatures were attached on the 29th of January[j]. The archiepiscopal and episcopal signature list contains names[s] from both provinces, which, as far as the upper house was concerned, gives to this assembly the character of a national synod. The document was then transmitted[k] to the lower house, and on[l] the 5th of February following was returned to the bishops[m], bearing upward of one hundred signatures of the lower clergy; it[n] was, moreover, accompanied with a request that all the members of the lower house should be required to subscribe. A still larger list of subscribers[o] was presented to their lordships by the prolocutor at[p] the ensuing session. The thirty-nine articles were thus synodically ratified[pp] and subsequently published with this title,—"*Articles*[q] *wherevpon it was agreed by the archbishoppes and bishops of both the prouinces, and the whole cleargie in the convocation holden at London, in the yere of our Lorde God* MDLXII., *according to the computation of the Churche of Englande, for the auoydyng of the diverseties of opinions, and for the stablishyng of consent, touchyng true religion. Put foorth by the queenes aucthoritie.*"

[d] Syn. Ang. 201, and Card. Syn. i. 36, note.
[e] Sess. 5.
[f] Jan. 20, 1563 N. S.
[g] Syn. Ang. 202.
[h] Syn. Ang. 202-3.
[i] Syn. Ang. 204.
[j] Sess. 9.
[k] Syn. Ang. 206.
[l] Sess. 11.
[m] Conc. Mag. Brit. iv. 237-8.
[n] Card. Syn. i. 36.
[o] Syn. Ang. 207.
[p] Feb. 10, 1563 N. S.
[pp] Biblioth. Script. Ecc. Ang. p. 362.
[q] Card. Syn. i. 53.

Some remarks on their synodical authority, as derived from both provinces.

Now, as connected with the thirty-nine articles of religion still received in the English Church, there are two or three points which must here be glanced at.

It is clear that these articles had the authority of both provinces. In the first place their title, both in the Latin and English editions, assures us of the fact. And the sub-

[s] Matthæus Cantuar., Edmund. London., Robert. Winton., W. Cicestren., Jo. Hereford., Richardus Elien., Edwinus Wigorn., Rolandus Bangor., Nicolaus Lincoln., Jo. Sarisburien., R. Meneven., Edmundus Roffen., Gilb. Bathon. et Wellen., Thomas Covent. et Lichfield., W. Exon., Johannes Norwicen., Edmund. Petriburgen., Thomas Assaphen., Rich. Gloucestren., Thomas Ebor., Ja. Duresme., Willelmus Cestrensis.—Conc. Mag. Brit. iv. 237.

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scriptions[r] of the northern metropolitan and his two suffragans[s] of Durham and Chester is a plain indication that they were assented to by the majority, at least, of the upper house of York. Moreover, a record of the convocation in 1604 speaks[t] of these articles as agreed on by the archbishops, bishops, and clergy of *both provinces*. But as to the manner in which the lower clergy of the York province testified their consent we are not so clearly informed. There is no evidence to shew either that the members of the lower house of York removed to London, as in the year 1523[u], or that they sent duly authorized proxies[v], as on the occasion of ratifying the Prayer Book[w], Dec. 20, A.D. 1661, or that they authorized the northern bishops to exercise powers appurtenant only to themselves and their presbyters conjointly. But though there is no known document containing the subscriptions of the lower clergy of the northern synod given under their own hands or by proxies, yet it appears[x] that at this time they had in their house at York important debates[1] concerning "*certain articles*[2]," which we may fairly believe to have been these documents in question. For from the records[y] of the York province it is clear that on Feb. 5, 1563 N.S. some "weighty[z] business" was on hand, that this business respected articles "concerning the public good, the order of the Church, and the glory of God;" and that the synod "determined that their metropolitan's opinion should be taken" on the business. From his own subscription in London it is plain how the matter was determined by him. And the probability is (unless indeed the documents have been lost, which is extremely likely) that the lower clergy of York were acquainted that their metropolitan and his suffragans having signed, there was no necessity under the circumstances for the addition of their own subscriptions. But that the York clergy approved[a] of these articles is beyond a doubt; otherwise we should have heard more of the matter, and the title of them would not have run, both in the English and Latin copies, as it does, declaring that they were

r Conc. Mag. Brit. iv. 237.
s Bennett's Essay, p. 183.
t Bennett's Essay, p. 205.
u Conc. Mag. Brit. iii. 698.
v Conc. Mag. Brit. iv. 567-8.
w Conc. Mag. Brit. iv. 566.
x Bennett's Essay, p. 206.
y Bennett's Essay, p. 206.
z Vid. notes. infra.
a Bennett's Essay, p. 207.

[1] "Habito tractatu per dictos, &c. . . . super quibusdam arduis negotiis statum, bonum publicum et condecentem ordinem Ecclesiæ et Dei gloriam concernentibus." Conc. Mag. Brit. iv. 243, and Bennett's Essay, 206.

[2] "Concluserunt dictum reverendissimum . . . consulendum fore super *quibusdam articulis* in quadam schedula apud registrum remanente conscriptis."—Conc. Mag. Brit. iv. 243, and Bennett's Essay, 206.

"*agreed upon by the archbishops and bishops of both provinces, and by the whole clergy.*" For in this form they were solemnly recorded in the registry[b] of the Archbishop of Canterbury.

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[b] Bennett's Essay, p. 211.

How far the thirty-nine articles of religion now authorized differed from the forty-two articles of 1552-3.

It may also be interesting to observe how far the thirty-nine articles now established differed from the forty-two articles of 1552-3.

In the first place[c] the number was reduced from forty-two to thirty-nine. The tenth, sixteenth, nineteenth, thirty-ninth, fortieth, forty-first, and forty-second articles of 1552-3 were now omitted; and the fifth, twelfth, twenty-ninth, and thirtieth of our present articles were inserted[cc]. Thus by the subtraction of seven, and by the addition of four, the original number having been forty-two, the present amount of thirty-nine was obtained. The other variations chiefly consisted in the alterations of some of the titles, together with the slight changes here following. In the third article some words[3] were now omitted. In the twenty-second article "*verbis Dei*" was changed to "*verbo Dei.*" In the twenty-ninth article a clause which had been altered by the archbishop was altogether omitted[4]. And in the thirty-third article, after the words "*pro regionum,*" there was added the word "*temporum.*" Such were the chief alterations now made; and the articles as amended having been authorized by the synodical authority of the English Church, were subsequently ratified by royal authority[d] under the great seal of England.

[c] Vid. Conc. iv. 73. 77. 233. 237.

[cc] Biblioth. Script. Ecc. Ang. p. 364.

[d] Coke's Inst. P. iv. c. 74, p. 323.

Controversy on the clause for Church power in the twentieth article.

Into the controversy[e] respecting the clause in the twentieth article,—"*the Church hath power to decree rites and ceremonies and authority in controversies of faith,*"—it would be be-

[e] See that scurrilous pamphlet, "Priestcraft in Perfection," Lond. 1710, said to be by Anthony Collins, Esq.; also Burton's Letter to Privy Council, apud Coll. vi. 374.

[3] The words omitted were these:—"For the bodie laie in the sepulchre untill the resurrection, but his ghoste departing from him was with the ghostes that were in prison or in helle, and didde preache to the same, as the place of St. Peter dooeth testifie."

[4] The clause in the copy of 1552-3 was this:—"Quum naturæ humanæ veritas requirat, ut unius ejusdemque hominis corpus in multis locis simul esse non posset, sed in uno aliquo et definito loco esse oporteat, idcirco Christi corpus in multis et diversis locis eodem tempore præsens esse non potest. Et quoniam, ut tradunt sacræ literæ, Christus in cœlum fuit sublatus, et ibi usque ad finem sæculi est permansurus, non debet quisquam fidelium carnis ejus et sanguinis realem et corporalem (ut loquuntur) præsentiam in eucharistiâ vel credere vel profiteri."

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yond our present purpose to enter at length. It is well known how heavily puritanical and infidel ingenuity has been taxed in endeavouring to shew that this clause was not synodically authorized. Suffice it here to say that Archbishop Laud maintained the genuineness of the clause in his speech[f] made in the Star Chamber, by citing the editions[5] of the articles printed in 1563, 1593, 1605, 1612, and also by producing an authentic copy[6] of the original document under the hand of a public notary, which then "knocked[g] down the dispute, exposed the calumny, and was evidence beyond contradiction[h]." Moreover the learned Heylin, who had opportunities of consulting the convocation registers before the disastrous fire of 1666, in which they were burnt, gives this unimpeachable and unanswerable evidence: "Thus much I can say of mine own knowledge, that having occasion to consult the records of convocation, I found this controverted clause verbatim in these following words, '*Habet Ecclesia ritus statuendi jus et in fidei controversiis authoritatem*[i].'"

[f] Coll. vi. 375. Bibliothec. Script. Ecc. Ang. p. 363.

[g] Coll. vi. 375.
[h] See also Coll. vi. 375—386.

[i] Heylin's Examen. pp. 144-5.

A catechism.

Besides the establishment of the thirty-nine articles of religion, this provincial synod was engaged in some other business of an important character.

"*The Catechism*[j]" drawn[k] up by Alexander Nowell, and founded upon the basis of that written by Poynet in K. Edward VI.'s reign, was now[l] brought under[m] the consideration of the upper house, and was authorized[n] in the lower. This work probably received[o] the formal sanction of the bishops at this time. But however this may be, at any rate it had their approval[p] subsequently in 1571, so that its full synodical authority, in the southern province at least, after the latter period was complete. A shorter catechism, called "*The Middle Catechism*," being an abridgment[q] of the one above mentioned, was drawn up by Nowell, and published in the year 1570 for the use of schools. And a third, called "*The Smaller Catechism*," was also published by the same author, differing but little from that now printed in our Book of Common Prayer, Dean Overall having, it is believed,

[j] Strype's Ann. i. 313-15.
[k] Coll. vi. 338.
[l] Feb. 5.
[m] Conc. Mag. Brit. iv. 238.
[n] Mar. 3. Syn. Ang. 215.
[o] Strype's Ann. i. 315.
[p] Lathbury, 167, note.
[q] Lathbury, 168.

[5] The clause appears in the editions of 1563, 1571, 1581, 1586, 1593, 1612, 1624, 1628.—Card. Syn. vol. i. p. 40, note.

[6] This copy was in existence when Bennet published his essay on the articles in 1715, and was possessed by Col. Hale of Cottrells, Wilts.—Lathbury, p. 178.

abridged from it the questions and answers on the sacraments. A.D. 1563. Q. Eliz.

Attempts in upper house to alter ceremonies of religion.

A project[r] also was set on foot in this provincial synod in order to obtain some alterations in the rites and ceremonies of the Church as defined by the Book of Common Prayer. For the promotion of this object Sandys, bishop of Worcester, brought in a paper consisting of three heads.

[r] Conc. Mag. Brit. iv. 239. Strype's Ann. i. 297. Coll. vi. 371.

First, he proposed that by her majesty's authority, with the assistance of the archbishop, the rubric in the office of private baptism, which gave women liberty[s] to baptize in cases[t] of necessity, should be altered. Grindal, bishop of London, agreed with Sandys as to the desirableness of the change, but altogether differed with him as to the manner of making it, for Grindal thought a synod the proper authority for regulating such a point. In this the latter prelate was clearly right, for Sandys' proposed method must assuredly fall far short of satisfaction in the opinion of every person whose judgment is worthy of consideration.

[s] Coll. vi. 371.
[t] Vid. second Reformed Prayer Book in loco.

Secondly, Sandys[u] proposed that the sign of the cross made upon the child's head in baptism should be dispensed with, and this alteration he desired to be made by the secular authority before mentioned. It seems that this significant solemnity appeared to him superstitious and needless: but if it really were so, it does not appear to have occurred to the bishop that the authority he invoked for discharging it was altogether insufficient.

[u] Conc. Mag. Brit. iv. 239. Strype's Ann. i. 297.

Thirdly, Sandys[v] suggested that a scheme should be drawn for Church discipline and government by a committee appointed by the queen, and that the regulations agreed to by the persons so chosen should be confirmed in parliament. Thus this bishop seems to have taken an odd view of ecclesiastical jurisdiction, little creditable to him as a man of sense, still less so as a divine; and his enterprise came to nothing, as it deserved.

[v] Coll. vi. 371. Conc. Mag. Brit. iv. 239. Strype's Ann. i. 297.

Like attempts in the lower house.

Similar attempts to disable some of the significant and authorized ceremonies of the Church were also made in the lower house. For this purpose a schedule was there introduced[w], signed by thirty-three members, which was happily negatived. It

[w] Strype's Ann. i. 298. Coll. vi. 371-2. Conc. Mag. Brit. iv. 239.

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contained seven articles, most of which seem to be directed either against the proper expressions of Christian devotion, or the decent solemnities of the worship of God. The schedule recommended—

1. That the psalms in the Common Prayer Book be sung by the whole congregation or said by the minister alone, and that all scientific skill in music and organ accompaniments should be discharged.

2. That the laity, even in cases of necessity, should be forbidden to baptize, and that the sign of the cross in baptism, as tending to superstition, should be omitted.

3. That kneeling at the communion should be left indifferent at the discretion of the ordinary. And here the framers of this schedule seem to have had a peculiar dread lest this posture should lead to superstition, or lest any man should smite his breast in token of contrition, forgetting perhaps that our Saviour commended the conduct of the publican.

4. That copes and surplices should be laid aside, and the same garment used by the clergy in reading prayers as in preaching.

5. That the clergy should be discharged from the obligation of wearing such gowns and caps as were customary among the Roman priesthood.

6. That the passage in the thirty-third article (the thirty-fourth of 1563 N.S.) which censures those "who offend against the common order of the Church and hurt the authority of the magistrate" should be mitigated.

7. That festivals and saints' days should be abrogated, or at least the honour paid to them abated.

Such in brief were the contents of this schedule, which, when laid before the house, was signed by five deans [x], one provost, thirteen archdeacons, and fourteen proctors, in all thirty-three, and among them occur the names of Nowell the prolocutor, as well as of Sampson and Daye.

[x] Conc. Mag. Brit. iv. 239-40.

However, before the matters contained in the schedule were debated, they were reduced into six heads, and brought into the following definite and milder form:—

1. "That [y] all the Sundays in the year and principal feasts of Christ be kept holy days, and all other holy days to be abrogated.

2. "That in all parish churches the minister in common

[y] Strype's Ann i. 298-9. Conc. Mag. Brit. iv. 240.

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prayer turn his face towards the people, and there distinctly read the divine service appointed, when all the people assembled may hear and be edified.

3. "That in ministering the sacrament of baptism, the ceremony of making the cross on the child's forehead may be omitted, as tending to superstition.

4. "That forasmuch as divers communicants are not able to kneel during the time of communion for age, sickness, and sundry other infirmities, and some also superstitiously both kneel and knock, that order of kneeling may be left to the discretion of the ordinary, within his jurisdiction.

5. "That it be sufficient for the minister, in time of saying divine service and ministering of the sacraments, to use a surplice, and that no minister say service or minister the sacraments but in a comely garment or habit.

6. "That the use of organs be removed."

After this fashion the wishes of those thirty-three gentlemen, who appear to have been unreasonably biassed towards the platform which [z] was set up by the foreign reformers, were digested into a tangible form and prepared for a debate [a] in the synod which took place during the morning sitting on February 13 [b]. Upon [c] the foregoing subjects a warm discussion ensued in the lower house, some moving that the controversy should be referred to the bishops, and others protesting that they would by no means consent to any tampering with the Book of Common Prayer. To the fourth article, concerning kneeling at the communion, it appears that the contest was particularly directed. However, a scrutiny [7] on the whole question took place in the [d] afternoon, when the six articles were rejected, though the innovators on the received offices were in considerable numbers. Thus the decent solemnities of religion were continued in their former condition, many of those who [e] supported them having a great deference for the reformation, as established in K. Edward's time, and wishing to maintain inviolate the inheritance which the learned divines of that day had committed to their successors. It is plain, however, from this debate that the principles of Frankfort and Geneva

[z] Strype's Ann. i. 298-9.

[a] Feb. 13. [b] 1563 N. S.

[c] Strype's Ann. i. 299. Coll. vi. 373.

[d] Feb. 13, 1563 N. S.

[e] Strype's Ann. i. 299.

[7] Warner says that of the members present forty-three voted for the articles, and thirty-three against them; but that when the proxies were counted a majority of one appeared against them.—Ecc. Hist. ii. 430.

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had many advocates in this synod; but we have much reason to be thankful that the majority of its members had more steadiness and resolution than to be seduced by foreign novelties, and more learning and judgment than to invoke Calvinistic and puritanical singularities as the models for imitation.

Temporal business transacted in this synod.

Business also connected with temporal affairs was transacted in this synod, with a view to mending the incomes of poor benefices[f]. Six articles were transmitted from the upper[g] to the lower house, with a direction that they should be debated, and that any conclusions arrived at respecting them should be reduced to writing. These articles referred[h] 1. to the writ "de melius inquirendo;" 2. to the rating of benefices; 3. to dilapidations; 4. to tenths and subsidies; 5. to pensions of the religious; 6. to vacancies in benefices; and[i] it was also suggested that an act of parliament should be made for the relief of poor ministers, but without effect. A subsidy[j] was moreover granted[k] to the queen.

[f] Conc. Mag. Brit. iv. 238.
[g] Feb. 19.
[h] Strype's Ann. i. 305.
[i] Strype's Ann. i. 305.
[j] Syn. Ang. 212.
[k] Feb. 22.

Schedule of discipline.

A schedule of discipline was now agreed upon[l] in the lower house, and presented[m] by the prolocutor[n] and ten others to the bishops. This document[o] appears to have been digested into twenty-one heads, and[p] referred to the following subjects—the catechism and the articles of religion,—the offices of public and private baptism,—matters connected with the holy communion,—superstitious images,—depravation of the Prayer Book,—subscription to the articles of religion before institution to a benefice or admission to a fellowship,—subscription to the articles of religion by residents at the universities and the officers connected with those corporations,—power of ordinaries to compel subscription of laity as well as ecclesiastics,—proper occasions of such subscriptions,—the addition of orders touching the foregoing subjects to the Prayer Book,—and the ratification of the same by parliament. This document[q] was unanimously carried in the lower house, and received attestation under the hands[r] of sixty-three of its members. When this schedule was presented to the upper house, their lordships returned[s] it, giving permission that some[t] additions, desired by the prolocutor and clergy, might be in-

[l] Conc. Mag. Brit. iv. 239.
[m] Feb. 26.
[n] Syn. Ang. 213.
[o] Conc. Mag. Brit. iv. 240.
[p] Strype's Ann. i. 301. 304.
[q] Conc. Mag. Brit. iv. 242.
[r] Strype's Ann. i. 304.
[s] Coll. vi. 388.
[t] Syn. Ang. 214.

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serted. This was done[u]; another item on the crime of "adultery" being also appended; but no canons were enacted on the subjects contained in the schedule, and[v] for some reasons, which do not appear, this matter slept.

[u] Syn. Ang. 215.

[v] Coll. vi. 388.

Two bills prepared by the synod for parliament, but with different results.

Two bills were also prepared, chiefly by the upper house, in this synod on the subject of discipline. These bills were to be presented to parliament for civil ratification. The first was intended[w] to oblige persons to come to divine service under pain of excommunication, but this miscarried. The second was for[x] the apprehension and punishment by the writ "de excommunicato capiendo" of persons excommunicated. This last bill had a more successful issue, was enacted by the legislature, and passed into the act[y] 5 Eliz. c. 23.

[w] Strype's Ann. i. 316.

[x] Strype's Ann. i. 316.

[y] Stat. at Large in loc.

Homilies revised by upper house in the synod.

During the sitting of this synod the second book of homilies[z] was considered by the bishops, and having been revised and finished, was fitted with a preface[a] composed by Bishop Cox. It may be remembered that the first book of homilies, containing twelve, was authorized in K. Edward VI.'s time[b]; and the second book, containing twenty-one, was ready for publication at his death. This last book was now added to the first, and the preface was to serve for both. The work lay some time before receiving the royal confirmation, but was published in the course of this year, 1563. Canonical authority, however, was accorded to it by the thirty-fifth of the articles passed in this present synod, those now received by the English Church.

[z] Strype's Ann. i. 307.

[a] See Strype's Ann. i. 307, 308.

[b] Vid. sup. chap. xi. p. 457.

Other business proposed in this synod.

There were some other heads of business proposed in this synod, but as they do not appear to have received any final sanction, it will be sufficient merely to glance at them. A schedule[c] was brought in by Sandys, bishop of Worcester, intended to restrict leases[d] granted by bishops and deans and chapters—to provide for due[e] inquiry into the fitness of candidates previously to ordination—to ensure the proper performance[f] of catechetical instruction—and the due publication of banns[g] previously to marriage—to secure competent learning and exact[h] subscription to the articles in the cases of such as should be appointed to benefices—to restrain the habit of common

[c] Strype's Ann. i. 300.

[d] Item 1 and 2.

[e] Item 3.

[f] Item 4.

[g] Item 5.

[h] Item 6.

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swearing, and to authorize the penalty of minor excommunication in the cases of such as persevered in that profane habit.

Some articles[i] were also propounded for the better regulation of the Church by Archbishop Parker himself. These were directed to giving jurisdiction to bishops over the sites of monasteries[j], with a view to their being used for parish churches—to appeals[k]—to purgation[l]—to the restraint of inhibitions[m] against ecclesiastical judges—to the correction[n] of negligence in churchwardens. But this project unhappily came to nothing, as there was too much backwardness at that time in restraining the loose principles of the age, and too much fear of confiding to the Church the power which ought justly to have been committed to her.

Some papers presented.

Some papers must also here be mentioned, which were prepared for presentation in this synod. The first[o] bore the name "W. Exon" written upon it, which is an argument that it was either penned or at least approved by the Bishop of Exeter[s].

Another paper.

In another paper[p], also, drawn by the archbishop's secretary and corrected by Parker and Grindal themselves, some points worthy of remark occur[q].

i Strype's Ann. i. 301.

j Art. 1.

k Art. 2.
l Art. 3.
m Art. 4.
n Art. 5.

o Strype's Ann. i. 308. Coll. vi. 386.

p Strype's Ann. i. 311, and Coll. vii. 337.

[s] This paper was directed against the clashing of doctrine which appeared in the sermons of different preachers, and against diversity in the apparel of the clergy. It also provided * that money payments for the release of ecclesiastical censures should be applied to pious uses; that excommunicated persons should be duly punished; that the jurisdiction of bishops should be extended over peculiars; that simony should be punished both in the cases of the presenter and presentee; that capital penalties should be applied for the restraint of witchcraft; that preachers should be supplied for cathedrals and their dependent churches; that glebe lands should not be leased on lives or terms of years; and that those who disturbed public worship should be punished.

[q] It was suggested in this paper that some articles drawn out of Jewel's Apology should be put forth[a], and that opponents of the received doctrines should be punished by their ordinaries. That as one grammar is prescribed for schools, so one catechism[b] also should be likewise authorized; and here notice is taken that the catechism[c] almost finished by Nowell must have convocational authority before it is recommended to the kingdom. That some points[d] in the rubric of the Common Prayer should be amended. That uniform clerical apparel should be prescribed[e]. That penalties imposed[f] upon parishioners for neglect of common prayer and holy communion should not be evaded under cover of replevins or otherwise. That adultery[g], fornication, and incest should be more sharply punished, and that the

a Item 1.

b Item 2.
c Coll. vi. 387.
d Item 3.
e Item 4.
f Item 5.

g Item 6.

* Strype's Ann. i. 310.

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These papers both seem to have contained within them suggestions of remedies suited to the abuses of the times: and upon comparison it will be seen that they differ considerably from the schedule of discipline which was carried [q] in the lower house. But though none of these wholesome propositions appear to have been passed into synodical acts on this occasion, in order to their being enacted as statutes by the parliament, yet they were the groundwork [r] of many good laws made afterwards.

[q] Vid. sup. p. 566.

[r] Strype's Ann. i. 318.

Consultation among the bishops.

The last point to be mentioned as regards this remarkable synod is, that the bishops held grave [s] consultations among themselves for the better government of their respective dioceses and churches. Consequently some orders with respect to readers and deacons were (as it is believed) confirmed in this synod, having been before only enjoined in the year 1559.

[s] Strype's Ann. i. 306.

1. These orders referred first to readers, who were to promise that they would only read [t] that which was appointed by public authority—that they [u] would read distinctly—that they would abstain [v] from ministering sacraments, and, indeed, from the performance of all other rites of the Church save burials and churchings—that they would dress [w] plainly—move men [x] to concord—bring testimonials [y] of good conduct from their last place of abode—give warning to the ordinary [z] of the arrival of a new incumbent—abide by the decision of the ordinary in respect [a] of remuneration for services, read daily one chapter of the Old and one of the New Testament for personal instruction, abstain from appointing substitutes, and

[t] Item 1.

[u] Item 2.

[v] Item 3.

[w] Item 4.

[x] Item 5.

[y] Item 6.

[z] Item 7.

[a] Item 8.

ordinaries should not be checked in their correction of such scandalous practices, now committed with great frequency and boldness, by prohibitions from the temporal courts. That simony [h] should be punished both in the presenter and presentee, the presenter losing his turn of nomination, and the presentee being disabled from holding a benefice for seven years. That impropriators [i] of tithes should be compelled to augment poor vicarages to a competent subsistence; and that ordinaries, assisted by justices of the peace, should be empowered to levy a rate upon parishioners in great towns for supplying stipends to clergymen. That a provision should be made for the easier recovery [j] of tithes. That allowances [k] should be made for repairs of chancels, and that the materials of such as were ruined should be applied to restore the fabrics of the churches. That regulations should be made [l] for restraining dispensations for pluralities, non-residence, and marriages without banns; and that remedies should be provided against the general neglect in respect of the writ "de excommunicato capiendo."

[h] Item 7.

[i] Item 8.

[j] Item 9.

[k] Item 10.

[l] Item 11.

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read only in parishes destitute of incumbents, except in times of sickness or on occasions to be allowed by the ordinary.

2. These orders referred in the second place to deacons, who were called upon to promise that they would not undertake any handicraft occupation for gain if they were provided with twenty nobles [10] or more per annum.

Such were the chief matters transacted in this renowned provincial synod, which broke up on the 14th of April, 1563, and to which on many accounts, but especially as being the parent of our present articles of religion, we cannot but look back with peculiar interest.

V. York provincial Synod of 1563 N.S.

Concurrently with the preceding Synod of Canterbury the members of the northern convocation [b] were summoned to meet. Their assembling was, however, deferred until the 5th [c] of February [d], on which day matters connected with religion were debated in the synod, and some articles [e] (it is presumed the thirty-nine) were considered, and the subject referred to their metropolitan. At this time, also, the question of the proctors' fees engaged attention. In some instances two pence, and in other instances three pence in the pound, according to the then value of benefices in the queen's books, were ordered to be paid. And at a subsequent session [f] it was settled that the clergy in the dioceses of Chester and Carlisle should pay for the proctors' wages three pence "for every pound of their benefices [g]," viz. two pence to the proctors and one to the apparitor-general. Whether the present levy of "procurations and synodals" upon benefices includes the clergy proctors' fees is left for the consideration of those who are skilled in diocesan finance; most certainly, if it does, that part of the amount never reaches in some instances its proper destination.

[b] Conc. Mag. Brit. iv. 243.

[c] Conc. Mag. Brit. iv. 243.

[d] 1563 N.S.

[e] Vid. sup. p. 560, and Bennett's Essay, p. 206.

[f] March 12.

[g] Trevor, p. 96. Acta convocationis Ebor.

A.D. 1566.

VI. Canterbury provincial Synod of 1566.

The dates on which the provincial synods were summoned subsequently to this occasion may be discovered by reference to the tabular list at the commencement of this chapter; it is, therefore, not necessary to repeat them here, but only to take notice of such synods as supply matter of interest. It does not appear, however, that any business was transacted until the meeting which [h] took place in 1566 [i], and was [j] continued through

[h] Conc. Mag. Brit. iv. 251.

[i] Oct. 1.

[j] Strype's Ann. i. 498.

[10] A noble was worth six shillings and eight pence.

twelve[k] sessions, when a subsidy was granted. The instrument was presented[l] by the archbishop and four of his suffragans to her majesty, which[m] she graciously received, and then tendered her thanks. If any ecclesiastical business was entered upon during these sessions it is not left upon record.

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[k] To Dec. 6.
[l] Dec. 7.
[m] Strype's Ann. i. 498.

VII. Canterbury provincial Synod of 1571.

An important synod however of the southern province was convened on the 3rd[n] of April, 1571. On that day the assembly met at S. Paul's; but the archbishop, being now unable to walk on foot, did not land from his barge at Paul's wharf as in 1563 N.S., but at Blackfriars, and, mounting on horseback, thence rode[o] to the cathedral, attended by the doctors, advocates, and the rest of the civilians of Doctors' Commons. On the way he was joined by Edwyn, bishop of London, and at the south door of the cathedral the dean and prebendaries in their surplices awaited the arrival of the procession. After the litany and the hymn "Veni Creator" had[p] been sung, Dr. Whitgift preached the Latin sermon on this text, "The[q] apostles and elders came together for to consider of this matter." From these words this learned divine took occasion to discourse on the authority and institution of synods, and on the enmity then shewn to the Church by puritans on the one hand and Romanists on the other. He spoke also on the subject of ecclesiastical vestments, and of the ornaments used in the services of the Church. And, finally, he suggested several matters which required reform, and for which the power of the present synod, as he said, ought to be interposed.

A. D. 1571.

[n] Conc. Mag. Brit. iv. 261. Coll. vi. 498. Strype's Ann. ii. 73.

[o] Strype's Parker, 318.

[p] Strype's Parker, 318.
[q] Acts xv. 6.

Dr. Ailmer chosen prolocutor.

After the sermon, which by the way from the topics introduced would suit these days as well as those, and after the dispatch of the usual formal business in the chapter-house, the archbishop desired the clergy to choose their prolocutor. Their choice fell on Dr. Ailmer, archdeacon of Lincoln, afterwards Bishop of London.

At the next[r] session the archbishop[s] appeared in person[t], and himself said the prayers according to the practice observed in the synod of 1563 N.S. The prolocutor was presented by Goodwin, dean of Canterbury, and Goodman, dean of Westminster; and after he was accepted and confirmed, the archbishop directed that all members of the lower house who had not already done so should now subscribe

[r] Sess. 2, April 7.
[s] Strype's Parker, 318.
[t] Conc. Mag. Brit. iv. 261. Card. Syn. 528.

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the thirty-nine articles of 1563 A.S. Those who refused to do so were to be excluded from the house.

Cheyney, bishop of Gloucester, excommunicated for non-attendance.

In the [u] third session, held at K. Henry VII.'s chapel, Westminster, after the usual protestation respecting the privileges of the church of Westminster, the archbishop himself again offered the prayers, and then applying to business, produced a schedule of a subsidy, —six shillings in the pound,—which was forthwith passed in both houses [v]. In this session [w] Cheyney, bishop of Gloucester, was excommunicated by the archbishop for not appearing in the synod, either in his own person or by proxy. This proceeding appears somewhat rigorous at first view; but on the other hand this prelate's conduct certainly was in a very high degree blameable, for though he was in Westminster at this time, yet he absented himself, and moreover, departed into the country without the archbishop's permission. On account of this misbehaviour on the part of Dr. Cheyney, Guy Eaton [x], archdeacon of Gloucester, was ordered by the upper house to take measures for publishing the excommunication of his diocesan in the cathedral of Gloucester, at the time of sermon. For this purpose he was to be assisted by the queen's pursuivant, and a certificate of the execution of this command was to be returned with all speed. These active measures brought the bishop to his senses, for soon after Anthony Higgins, his chaplain, appeared, exhibiting [y] a proxy for his lord, and petitioning for the benefit of absolution, which was granted by the direction of the archbishop.

[u] Sess. 3, April 23. Strype's Parker, 318. Conc. Mag. Brit. iv. 261. Card. Syn. 528.

[v] Coll. vi. 500.

[w] Coll. vi. 498.

[x] Sess. 4, April 27.

[y] Strype's Parker, 318.

Thirty-nine articles of religion again published by this synod under Bishop Jewel's editorship.

The fifth [z] session, on account of the archbishop's illness, was held at Lambeth. After prayers and some private consultation among the members of the upper house, it was unanimously agreed upon by the synod,—"[a] that when the book of articles, touching doctrine, shall be fully agreed upon, that then the same shall be put in print by the appointment of my lord of Sarum, and a price rated for the same to be sold." "Item. That the same being printed, every bishop to have a convenient number thereof to be published in their synods, and to be read in every parish church four times every year." This was, in fact, a second ratification of the thirty-nine articles of religion, which [aa] were now subscribed afresh by both

[z] Sess. 5, May 4. Conc. Mag. Brit. iv. 262. Card. Syn. 531.

[a] Conc. Mag. Brit. iv. 262.

[aa] Bibliothec. Script. Eccl. Ang. p. 357.

houses of convocation. Bishop Jewel speedily discharged the duty of editor here imposed upon him, and in the performance some[b] verbal corrections were made. He numbered the whole, making them, with the ratification, forty; but it was not until a later period that the popular name of "*The Thirty-nine Articles*" was applied to them. A.D. 1571. Q. Eliz.

[b] See Card. Syn. 76, note.

Book of canons agreed on by the bishops.

On this occasion also[c] a book of canons of discipline was[d] agreed upon by the upper house, and it was subsequently subscribed also, in person or by proxy, by Grindal, archbishop of York, and his two suffragans[e] of Durham and Chester. These canons were chiefly framed by the Bishops of Ely and Winchester, and[f] were digested under ten heads. They regulated wisely and piously the duties. 1. of bishops; 2. of deans; 3. of archdeacons; 4. of chancellors, commissaries, and officials; 5. of churchwardens and other select persons; they gave directions respecting, 6. preachers; 7. residence; 8. pluralities; 9. schoolmasters, and 10. patrons. To these canons was added a form of[g] excommunication, which might be used in the case of an adulterer or any other notorious sinner. It is remarkable that under the first head each archbishop and bishop was bid to provide in his house, together with the largest Bible, Foxe's Martyrology and other like religious books; and subsequently the deans, archdeacons, and others are commanded to furnish themselves with the aforesaid volumes. Collier[h] seems somewhat shocked that synodical sanction should thus seem to have been accorded to all Foxe's relations, as well as to his remarks and reasoning. But then we are to consider that this book of canons was only sanctioned by the prelates, and never received the[i] confirmation of the lower house at all; consequently, being possessed of no synodical authority, we may take our leave of it at once.

[c] Strype's Parker, 321.
[d] Conc. Mag. Brit. iv. 263.
[e] Strype's Parker, 322.
[f] Sparrow's Collections, p. 223.
[g] Sparrow's Coll. 241.
[h] Coll. vi. 500.
[i] Strype's Parker, 322.

VIII. York provincial Synod of 1571.

Concurrently with the foregoing provincial synod, that[j] also of York met on the 3rd of April[k], 1571. The assembly was continued to the 23rd of May[l], when a schedule of discipline (probably similar to[m] that which had been introduced in the southern province[n]) was brought in by Mr. Buck[nn]. The document was read by Matthew Hutton, one of the archbishop's commissioners, and after a deliberation had taken place upon its contents the

[j] Conc. Mag. Brit. iv. 270.
[k] 1571.
[l] 1571.
[m] Vid. sup. this chap. ad an. 1563 N.S.
[n] On Feb. 26, 1563 N.S.
[nn] Trevor, p. 96, acta conv. Ebor, fo. 103.

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future consideration of them was deferred. This schedule appears to have engaged the subsequent[o] attention of the synod, but the conclusions arrived at[p] do not remain upon record. A subsidy was also unanimously[q] granted by the northern province on this occasion[r].

[o] May 11 and June 8.
[p] Conc. Mag. Brit. iv. 270.
[q] May 11.
[r] Conc. Mag. Brit. iv. 270.

IX. Canterbury provincial Synod of 1572.

In the following spring the provincial Synod of Canterbury assembled[s] at S. Paul's on the 9th of May, the day after the meeting of parliament. A paper[t] drawn up about this time by Lord Burleigh, containing a draft for the reformation of certain points in Church discipline and order, indicates the subjects which appeared to require the attention of the synod, and there seems to have been some earnest intention to enforce the needful regulations on such matters. Archbishop Parker on this occasion proceeded from Lambeth to Paul's wharf, as in 1563 N. S., and there landing made his way to the cathedral. After the usual service Dr. Young, one of the[u] residentiaries, as the preacher, addressed the assembly on this text, "I know thy works[v], and thy labour, and thy patience, and how thou canst not bear them which are evil." When the synod adjourned to the chapter-house, the archbishop with great gravity[w] addressed to the members a Latin oration to the following effect.

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[s] Conc. Mag. Brit. iv. 270.
[t] See Strype's Parker, 395-8. Coll. vi. 522.
[u] Strype's Parker, 398.
[v] Rev. ii. 2.
[w] See Strype's Parker, Appendix, No. 81.

Archbishop Parker's opening speech.

He[x] began with a commendation of the sermon. From thence he proceeded to take notice of the zeal which had been shewn here for the propagation of the truth and the defence of Christianity. He said "that the circumstances of his station and character obliged him to be more particularly vigilant and concerned; that if occasion should require he ought to hazard his reputation and sacrifice his life and fortune in the service; that for exerting himself he had not only the examples of the late martyrs, but of saints of the earliest antiquity, some of whom in the first century arrived in this island, and had left us noble remains of their piety and success. And, notwithstanding the instructions they left and the usages they settled were partly worn out by time and superstition, yet many of these had enjoyed a more happy conveyance, and reached down to the present age, and thus it appeared our constitutions and ceremonies were little different from what was then established." He urged "that those remains of antiquity ought to

[x] Coll. vi. 517, and Card. Syn. 533. Conc. Mag. Brit. iv. 270 seq.

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be the more valuable, because they were as it were the growth of our own country; however, had Providence been less favourable, and had they sunk in the current of time, we should not have been unfurnished with the means of instruction, for the fountains of divine knowledge were open, the Hebrew and Greek originals of holy writ being all along preserved. And thus when the stream was disturbed, we might go to the spring-head and have every thing in its first purity. For as that holy martyr S. Cyprian wrote," said the archbishop, "if we have recourse to the oracles of God, and trace religion to its divine original, all mistakes of frailty or design will be discovered. The inspired writings will disentangle the perplexity, dispel the mist of argument, and set the truth in a clear light. If the channel which formerly flowed plentifully happens to fail, the way is to examine the fountain, and then we shall know what occasions the stoppage. By this method the holy bishops ought to govern themselves. If the colours are almost rubbed off, if we are at a loss in any part of belief or practice, let us apply ourselves to the holy evangelists, to the writings and traditions of the Apostles, and thus let us execute closely upon the first scheme, and form our conduct upon the divine institution. The great S. Basil delivered himself to the same purpose. 'It is not reasonable,' said he, 'they should overrule the point by force of custom. Ancient usage is not always the standard of orthodoxy. Let the dispute between us be referred to the holy scriptures, and whatever persuasion is best able to stand this test, let it be received without further debate.' By the reasoning of these fathers," continued the archbishop, "we are instructed to examine the scriptures, to rest on the divine authority, and make the most ancient records the rule to direct us. Thus we may assure ourselves of continuing[y] in the true religion and worship of God, whatever havoc the teeth of time may have made among human monuments. For we thus have perennial fountains to repair unto, and thence drawing, we may clear away the dirt with which our enemies the Philistines have defiled our sources of supply, and thus we may drink of wholesome streams springing up to life eternal." The archbishop then "took notice of the darkness from which they had emerged, and commended the brightness of the truth

[y] Strype's Parker, 397.

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which now shone forth, exhorting his hearers to exert themselves in resisting evil and maintaining truth, and so to defend the principles of the reformation." Then he came to the practical point of his speech, and "reminded the assembly that as he was to preside in the upper house, so it was necessary for the management of matters of great weight and moment that some person of singular gravity, prudence, piety, and learning should be appointed in the lower house to moderate the debates, bring down vehemence to a milder temper, restrain prolixity, and be a means of communication between the bishops and the clergy." Lastly he concluded by "commending the general worth of their body, suggesting that there were many among them capable of filling the important office of prolocutor, and bid them retire and with all speed make choice and present the person selected on the following Wednesday [z]."

[z] May 14.

Dr. Whitgift chosen prolocutor.

The choice of the clergy fell on Dr. Whitgift, dean of Lincoln, who was elected prolocutor [a] and presented for confirmation at the [b] second session by Dr. Perne [c], dean of Ely, and Dr. Humphrey, dean of Gloucester, the latter [d] gentleman making a speech on the occasion. This session being held at Westminster, the usual protestation [e] of privilege was made by the dean and others, upon which the Bishop of London, acting for the archbishop, who was ill, fully admitted the immunities of the abbey. After the confirmation of the prolocutor the Bishop of London desired him [f], together with the two gentlemen who had presented him, to select a committee of the lower house, whose duty [g] it should be to prepare a written schedule, for presentation to the archbishop or his substitute, of such matters as appeared to require reformation in the Church. This looks like a step in the right direction, and it is believed that the paper of reforms before [h] mentioned, as drawn up by Lord Burleigh, was connected with this enterprise. However, these good intentions were not now carried out, and for a while no advance was made.

[a] Card. Syn. 537. Coll. vi. 518.
[b] May 14.
[c] Strype's Parker, 398.
[d] Strype's Parker, 398.
[e] Card. Syn. 537.
[f] Strype's Parker, 398.
[g] Conc. Mag. Brit. iv. 272.
[h] Vid. sup. p. 574.

Convocational privilege of freedom from arrest granted.

It is worthy of remark that on the occasion of this convocation the archbishop granted the constitutional protection from arrest on civil process which belongs to members of convocation, their fami-

liars, and servants, during the sessions of that assembly. The person in whose favour this immunity[i] was now granted was one James Massam, the Dean of Gloucester's servant. The protection was a formal[j] document, directed to the mayor and bailiffs of the city of Winchester, strictly commanding them to permit the aforesaid Massam during the convocation to have free liberty, "without arrest or molestation," according to the form of the statute (8 Hen. VI. c. 1). By that statute it is enacted that "all the clergy hereafter to be called to the convocation by the king's writ, and their servants and familiars, shall for ever hereafter fully use and enjoy such liberty or defence in coming, tarrying, and returning as the great men and commonalty of the realm of England, called or to be called to the king's parliament, do enjoy, and were wont to enjoy, or in time to come ought to enjoy."

A. D. 1572. Q. Eliz.

[i] Conc. Mag. Brit. iv. 272.

[j] See Conc. Mag. Brit. iv. 272, and Strype's Parker, App. p. 128, No. lxxxii.

Other instances of this privilege.

As we are now on the subject of this convocational privilege of freedom from arrest, it may be as well to glance at some other instances in which it was claimed and allowed, and then the matter need not be further mentioned in the chronological pursuit of our subject.

During the sessions of the Canterbury provincial Synod of 1603-4 the prolocutor[k] was served with a subpœna by Harrington and Walker. Upon this breach of privilege on the part of these two persons a warrant was issued against the former, and the latter was arrested by a sergeant-at-mace. Walker was brought[l] before the bishops, and sent down to beg pardon of the prolocutor and the lower house, which he did, and was so dismissed for that time. As for Harrington, he was brought upon his knees for his offence before[m] the upper house.

[k] Conc. Mag. Brit. iv. 379. Syn. Ang. 61.

[l] Sess. 21.

[m] June 29.

During the sessions of the Canterbury provincial Synod begun[n] Feb. 13, 1624 N.S., a subpœna served on Mr. Murrell, archdeacon of Lincoln, was superseded[o] by reason of his convocational privilege.

To the provincial Synod[p] of York, begun contemporaneously with the last mentioned, an application was made for the convocational privilege in favour of Thomas Mallory, dean of Chester. The object was to stay some legal proceedings then pending against that gentleman. The privilege was granted, and a document for the purpose required executed under[q] the archiepiscopal seal.

[n] Conc. Mag. Mag. iv. 467.

[o] Conc. Mag. Brit. iv. 468.

[p] Conc. Mag. Brit. iv. 467.

[q] Conc. Mag. Brit. iv. 468.

A. D. 1572. Archbps., Matthew Parker, Edmund Grindal.

In the year 1628 the sheriff of Hereford was compelled to submit himself to the lower house of the Canterbury Synod, at the command[r] of the House of Lords, for having illegally arrested the servant of a member of convocation.

[r] Lathbury, p. 241, note.

This privilege of freedom from arrest, again, seems to have been obtained by several members during the sessions of the York provincial Synod which assembled[s] Feb. 10, 1629 N.S. What peculiar circumstances had occurred to involve those northern gentlemen in lawsuits does not appear, but certain it is that no less than five of them claimed and obtained their privilege, viz. Ferdinand Morecroft and W. James, prebendaries, Gabriel Clerk, archdeacon, and Richard Hunt, dean of Durham, and also John Cosin, archdeacon[t] of the East-riding.

[s] Conc. Mag. Brit. iv. 476.

[t] Conc. Mag. Brit. iv. 476.

We find also in the provincial Synod of Canterbury begun[u] April 14, 1640, that a schedule of complaint was exhibited by Dr. Burgess, archdeacon of Rochester, setting forth that a subpœna had been served upon him from the Court of Exchequer illegally, in contravention of his convocational[v] privilege.

[u] Conc. Mag. Brit. iv. 533.

[v] Conc. Mag. Brit. iv. 541.

Thus it is plain that freedom from arrest in certain cases is a constitutional privilege, as clearly pertaining to members of convocation as to members of the imperial legislature.

A digression shewing the origin of this privilege.

This privilege appears first to have been confirmed to the members of the imperial legislature generally in the fifth year of K. Henry IV., and to have been then grounded on somewhat slender considerations, having arisen upon an individual case. At that period[w] Thomas Broke was knight of the shire for the county of Somerset, and, on going to parliament, took along with him Richard Chedder, Esq., as his attendant. During the time of parliament one John Salvage assaulted this Chedder; and this conduct seems to have been so distasteful to the members of the legislature, that a statute[x] was passed by which it was enacted that Salvage was to appear in the King's Bench, and if found guilty of the assault charged, was to pay double damages and make fine and ransom at the king's will. And further, that the same penalty might overtake others who should at any future time molest a member of the legislature or his attendants during a session of parliament, the statute

[w] See Stat. at Large in loco.

[x] 5 Hen. IV. c. 6. See also 11 Hen. VI. c. 11.

concludes with these words: "Moreover[y] it is accorded in the same parliament that likewise it be done in time to come in like case." Upon this footstone[z] rests the parliamentary privilege of freedom from arrest; and a like privilege was extended to the members of the convocations by a subsequent act[a] in the express terms before recited[b]. This convocational privilege has in many instances, as we have seen above, been claimed and allowed. But how the remarkable judicial[bb] ingenuity which has been applied of late to the interpretation of several statutes affecting the clergy would now deal with the force of 8 Hen. VI. c. 1, is a question on which it would ill become a member of my order to hazard an opinion; for this query might, indeed, prove difficult of solution even to those gentlemen whose studies are specially directed to such matters.

A. D. 1572. Q. Eliz.

[y] 5 Hen. IV. c. 6 ad fin.
[z] Confirmed by 11 Hen. VI. c. 11.

[a] 8 Hen. VI. c. 1.
[b] Vid. p. 577.
[bb] Vid. sup. pp. 370—373.

X. Canterbury provincial Synod of 1576 N.S.

It will be observed, by reference to the tabular list of synods at the commencement of this chapter, that all the dates are given of the days to which the two provincial synods respectively were continued. Nothing however of importance took place, so far as the records inform us, from the separation of the assembly of the southern province in 1572 until Feb. 10, 1576 N.S. On that day[c] the Canterbury synod was convened at S. Paul's cathedral under the presidency of the Bishop of London, the archiepiscopal see of Canterbury having[d] now been vacant somewhat more than half a year by the death of M. Parker, an event which occurred on the 17th[e] of May[f] preceding at Lambeth.

A. D. 1576.

[c] Conc. Mag. Brit. iv. 280. Card. Syn. ii. 540.
[d] Coll. vi. 558.
[e] 1575.
[f] Strype's Parker, p. 493.

Edmund Grindal translated from York to Canterbury.

In the second session[g] however Edmund Grindal, whose translation[h] from York to the see of Canterbury was now perfected, came to the convocation-house, took his place, and so put an end to[i] the presidency of the Bishop of London. At this first appearance of the new metropolitan in the convocation he desired Dr. Whitgift, still the prolocutor of the lower house, to come before him, and then directed the clergy to consider what reforms were needed in the state of Christ's religion and the affairs of the Church; and further, he requested that, having considered among themselves[j], they would reduce the results of their deliberations into a written

[g] Feb. 17.
[h] Coll. vi. 558.

[i] Strype's Grindal, p. 194.

[j] Strype's Grindal, p. 194.

A. D. 1576. Archbps., Edmund Grindal, Edwyn Sandys.

schedule, to be produced at the ensuing session. A subsidy was also now proposed, which was shortly after[k] confirmed.

Articles of 1576 N. S.

The question of ecclesiastical reforms was again treated of in the seventh session[l], held at S. Paul's chapter-house; but on account of the thin attendance of bishops on that day the matter was deferred to the 17th of March, when, at the session held in K. Henry VII.'s chapel at Westminster, the archbishop introduced some articles on the subject, which were assented to by his brethren and subscribed under their hands. These articles after due deliberation were agreed to by the lower house, and so obtained the full authority of the whole synod[m]. They bore this title: "*Articles*[n] *whereupon it was agreed by the most reverend Father in God Edmond, archbishop of Canterbury, and other the bishops and the whole clergy of the province of Canterbury in the convocation or synod holden at Westminster by prorogation in the year of our Lord God, after the computation of the Church of England,* MDLXXV., *touching the admission of apt and fit persons to the ministry and the establishing of good order in the Church*[1]." When the synod was prorogued the

[k] Sess. 3. Feb. 24.

[l] March 2.

[m] Strype's Grindal, p. 194.

[n] Strype's Grindal, App. p. 59, No. 4.

[1] The articles to which the foregoing title was appended were fifteen in number.

First. No man was to be ordained deacon or priest unless he were known to the diocesan, or recommended by testimonials; in these his morals, orthodoxy, and acceptance of the articles of 1563 N.S. were to be vouched for. The candidate was to subscribe the aforesaid standard of belief, and be competent to give an account of his faith in Latin.

Secondly. No bishop was to confer orders on persons foreign to his diocese (resident graduates in the universities excepted) without letters dimissory from the bishop of the diocese to which the parties belonged; and such letters from chancellors or other officers were specially barred.

Thirdly. Unlearned ministers who had been ordained were not to be admitted to cures; and to secure this proviso bishops were to pass no curates without strict examination.

Fourthly. Diligent inquiry was to be made after counterfeit letters of orders, that offenders in such cases might be punished.

Fifthly. Bishops were to inform each other of the names of such pretended clerks, with a view to prevent them from officiating.

Sixthly. None was to be ordained without exhibiting a presentation to a benefice, or making proof of immediate prospect of employment, nor unless he had sufficient private funds for his maintenance.

Seventhly. It was ordered that none should be admitted to any ecclesiastical dignity unless qualified in accordance with the first article above written. For holding any benefice valued at thirty pounds or upwards in the queen's books, the person preferred must be a doctor in some faculty, a bachelor of divinity, or a

archbishop, by a mandate issued April, 1576°, enjoined the observation of the aforesaid articles on all the clergy in his province; and within such limits they were clearly binding.

A. D. 1576. Q. Eliz.

° Strype's Grindal, p. 196.

preacher licensed by a bishop or one of the universities; besides this the person was to preach before the bishop or some learned person appointed by him to judge of competency for the function sought. Somewhat, however, of abatement was allowed in the cases of small stipends, in respect of which the ordinaries were to bend to necessity, and fill them with the best persons they could obtain.

Eighthly. Licences for preaching granted within the province of Canterbury previously to Feb. 8, 1576 N.S. were to be void; however, such as should appear fit were to be admitted again to that function without any charge, save four-pence* for the seal, writing, parchment, and wax.

Ninthly. None below a deacon was permitted to preach.

Tenthly. The bishops were to take order that the Church catechism should be taught in every parish, and when there was no sermon, that the homilies should be read in due order on each Sunday and holy day.

Eleventhly. The bishops were to see that all incumbents and curates under the degree of M.A., not being preachers, should provide themselves with a New Testament in Latin and English, or Latin and Welsh, and read a chapter daily, comparing the translations; and the archdeacons, commissaries, and officials at their visitations were to give the clergy above mentioned some text out of the New Testament, to be learnt without book or explained, and at the ensuing visitation inquiry was to be made into the proficiency attained.

Twelfthly. Since† some doubts had arisen by what persons private baptism should be administered, and since by the Common Prayer the bishop of the diocese was recognized as the authorized arbiter in such ambiguities, it was now by the archbishops and bishops expounded and resolved that the said private baptism in case of necessity should only be ministered by a lawful minister or deacon, called to be present for that purpose, and by none other. Further, every bishop was to take order that this resolution of the above doubt should be published before the first day of May ensuing in every parish church within his diocese in the province of Canterbury; and that all persons, except those before mentioned, should be prevented from meddling with the administration of private baptism, as being no part of their vocation.

Thirteenthly. No commutation of penance, except for urgent cause, was to be allowed; and in any case it was to receive the bishop's consent under hand and seal.

Fourteenthly. Archdeacons and others, possessed of ordinary jurisdiction, were to summon those presented and impose punishment proportionable to the offence.

Fifteenthly. Marriage‡ was allowed to be solemnized at all times of the year,

* This item is omitted in the printed copies. The above articles are digested from the transcript of the copy which was in the possession of Whitgift the prolocutor, and may be considered to be the synodical document. See Strype's Grindal, App. p. 59, No. 4.

† This article is not in the printed copy. See Card. Syn. i. 137.

‡ This article is not in the printed copy. See Card. Syn. i. 138.

A.D. 1576. Archbps., Edmund Grindal, Edwyn Sandys.

Some points for consideration respecting these articles.

Now there are three points to be considered in reference to these articles of 1576 N.S.

1. In the first place the twelfth article, relating to lay baptism, is omitted in the printed [p] copy. But it is contained [q] in the MSS. copies—one formerly in the Paper Office; one in the Petyt collection, which, indeed, was the prolocutor Whitgift's own copy; and one in Atterbury's collections, which was transcribed from the convocation journals by the learned Heylin. So that this article appears to have had the authority of the southern synod; and though not set in type by the queen's printer, seems doubtlessly to have now received, within the limit above stated, synodical sanction. Into this question of lay baptism [r] in cases of necessity it would lead too far here to enter. But this decision of the Canterbury Synod, as contrasted with a late [2] learned judgment and its subject-matter, may supply matter for consideration to the reader. We are also to consider that in accordance with this article the words "*lawful* [rr] *minister*" were introduced into the rubric before private baptism in the Prayer Book subsequently published at the commencement of K. James I.'s reign, for the practice of lay baptism had been allowed [s] by the earlier reformed Prayer Books.

2. The second point here to be considered is that the fifteenth article does not appear [t] in the printed copies, viz. that one which permits marriage at all seasons of the year. This it seems was disliked by the [u] queen, and the royal authority prevailed before the document was submitted to Richard Jugge [v], her printer. It must be confessed that the synodical decision here does not fall in to complete satisfaction with primitive usage; still it does not follow that the interposition of the sceptre was unexceptionably invoked in the endeavour to strike this article dead. Nor in practice has the essay succeeded.

3. The last remark to be made on these articles is that they certainly are generally speaking the footstones on which the present managements of our bishops are built, for regulating the choice, disposition, and licensing of their clergy. So

[p] See Card. Syn. i. 137.

[q] See Strype's Grindal, p. 195.

[r] See Lathbury, p. 185 and notes.

[rr] Vid. inf. p. 630 note.

[s] Card. Two Lit. p. 337. Bulley's Variations, pp. 118, 119.

[t] See Card. Syn. i. 133, note.

[u] Strype's Grindal, p. 195, and Coll. vi. 561. Conc. Mag. Brit. iv. 285.

[v] Card. Syn. i. 132, note.

provided banns were duly published in church on three several Sundays or holy days, and no impediment was alleged.—Conc. Mag. Brit. iv. 284-5. Coll. vi. 558. 561.

[2] By Sir H. Jenner Fust on the subject of the burial of dissenters.

that not only are we indebted to the decisions of our provincial synods for the articles of our Church, her ordinal, ritual, and liturgy, but even for those minor details of arrangement which complete the ecclesiastical fabric. And this is a fact of which some persons of figure in this day require to be either informed, or, to say the least, reminded. A.D. 1576. Q. Eliz.

XI. Provincial synods of 1581 N.S.

The next active[w] provincial synod assembled on the[x] 17th of January, 1581 N.S. in the southern province, concurrently with that in the[y] northern. The last however appears to have been engaged only in the business of granting their subsidy. A.D. 1581.

[w] Vid. tabular list and note in reference to this date.

[x] Conc. Mag. Brit. iv. 292. Coll. vi. 612. Strype's Grindal, p. 256. Card. Syn. ii. 541.

[y] Conc. Mag. Brit. iv. 301-2.

Canterbury Synod of 1581 N.S.

The Canterbury Synod met at S. Paul's. But as Edmund Grindal, the archbishop[z], was groaning under the queen's displeasure, he was unable to attend. The archbishop was, indeed, in confinement, having proved incompliant on the subject of repressing the "prophesyings," *i. e.* certain meetings of the clergy for religious discussions, to which her majesty was extremely averse. In his absence Ailmer, bishop of London, after divine service[a], was substituted as president, and it[b] may be remarked that there was no sermon on this occasion, it being a prerogative of the archbishop to appoint the preacher. Bishop Ailmer, in discharge of his office, desired the clergy to choose a prolocutor; Dr. Whitgift, who lately held that position, having[c] been advanced to the bishopric of Worcester.

[z] Fuller, Ch. Hist. b. ix. p. 119.

[a] Sess. 1. Jan. 17.

[b] Fuller, Ch. Hist. b. ix. p. 119.

[c] Strype's Grindal, p. 257.

Dr. Day elected prolocutor.

Three persons were recommended for the office of prolocutor, viz. Humphrey, dean of Winchester, Goodman, dean of Westminster, and Day, dean of Windsor. The choice of the clergy, however, fell on the latter gentleman. Some of the clergy on this occasion expressed a difficulty which they felt as to the due constitution of the synod, now deprived of the metropolitan, and shewed some unwillingness to proceed to business until "their company[d] was completed and the archbishop restored." This conduct has drawn down upon them the animadversion of Mr. Fuller, who takes leave to call them "hotspurs." But as the archbishop had not even been put upon his trial, much less deprived for any canonical offence, it is not clear that those who resented his compulsory absence deserved any such term of disparagement, or that they were more forward in the field

[d] Fuller, Ch. Hist. b. ix. p. 119.

A.D. 1581. Archbps., Edmund Grindal, Edwyn Sandys.

than the occasion warranted. The event, however, was that a universal agreement was come to that Tobias Matthews, dean of Christ Church, afterwards archbishop of York, a scholar of a fluent and [e] ready pen, should draw up a representation [f] (still extant) in the name of the convocation, for the restitution of the archbishop to his place. This address, however, notwithstanding its moving [g] style and due acknowledgment of the regale, when presented to the queen failed of immediate success.

[e] Strype's Grindal, p. 257, and Fuller, Ch. Hist. b. ix. p. 119.
[f] Fuller, Ch. Hist. pp. 120, 121.
[g] Coll. vi. 612.

The new prolocutor, Dr. Day, was presented by Tobias Matthews, and Mr. Williams, archdeacon of London, and [h] having been confirmed, the machinery of the synod was so far complete that the members proceeded to the transaction of divers heads of business proposed.

[h] Sess. 2. Jan. 25.

Tenets of the "family of love" brought under the notice of this synod.

The [i] new heresy of the "Familists" was brought under the notice of this synod, in accordance with the contents of some letters written on the subject by the lords of the privy council. This application appears to have been made in accordance with her majesty's directions, who [j] was displeased with the parliament now sitting for having taken leave to interfere in ecclesiastical affairs, subjects with which the queen very prudently conceived that such an assembly was wholly unfitted to deal in the first instance. She considered very rightly that synods were the proper assemblies for regulating all matters of religion, for redressing and amending what was therein amiss, and that such was "their [k] proper business in meeting together." Provisions for checking the "familist" heresy were therefore initiated in the upper house of convocation, and a message having been sent to the lower, the prolocutor and six of the clergy appeared and received from their lordships a copy of a schedule of reformation, to be enforced against the above-mentioned pestilent sect and other recusants. This matter was [l] debated in the lower house, but no conclusion appears to have been arrived at, which would seem the more to be regretted on account of the desperate principles maintained by those against whom this schedule was directed. These [m] heretics were misled into their strange and fantastic absurdities by some Dutchmen who had come over to this country, and who put on an affected garb of sanctity, as though they would thus cloke the odious principles they pro-

[i] Sess. 3. Jan. 27.
[j] Strype's Ann. ii. 628.
[k] Strype's Ann. ii. 628.
[l] See Sess. 5. Feb. 3.
[m] Coll. vi. 609.

pagated. They called themselves "the family of love, or house of charity," though the quality last named appears not to have been of an expansive character among them, for they taught that all men out of their own society were incapable of God's mercies, since all such were, as they said, reprobates and doomed to everlasting damnation. Moreover, they took leave to assert that they themselves were endued with an extensive privilege of denying any thing they pleased on oath before a magistrate of a different persuasion from themselves. These scandalous doctrines, respecting both the kingdoms of the next world and of this, were translated from Dutch into English, and appear to have been penned originally by one Henry Nicholas, of Leyden, who ultimately advanced to the last excesses of blasphemy, making himself out to be some great one, and asserting that he was partaker of the nature of the Almighty. Such ruinous principles and blasphemous claims induced the privy council to address the archbishop with a view to their repression; but for some reason unexplained no definite conclusion, so far as appears, was arrived at by the synod.

A.D. 1581. Q. Eliz.

Five articles agreed on in this synod.

At[n] this time also the bishops selected certain chapters from the fifteen[nn] synodical articles of 1576 N.S., which they thought now peculiarly necessary, with a view to their being offered for the confirmation of parliament. This schedule, consisting of five articles, seems[o] to have been agreed to, not only by the whole synod, but by the lower house of parliament, for it was subsequently transmitted from that assembly to the House of Lords.

[n] Sess. 5. Friday, Feb. 3.

[nn] Vid. Sup. pp. 580, 581.

[o] Strype's Grindal, p. 258.

The sum of these five articles was—

1. That[p] no bishop should ordain a minister under twenty-four years of age, or who could not give an account in Latin of the thirty-nine articles, and prove them from texts of scripture.

[p] Strype's Grindal, App. p. 94. No. xiv.

2. That there should be no commutation of penance, save on rare occasions, and that even should such be granted, the person so excused should make some public satisfaction in the parish church, and that severer penalties should be assigned to crimes of adultery, fornication, and incest.

3. That no dispensations should be granted for marriage without banns, except under large guarantees.

4. That dispensations for plurality of benefices should be

A.D. 1581. Archbps., Edmund Grindal, Edwyn Sandys.

restricted, and that in any case the applicant should be bound to reside at each benefice a reasonable time during the year.

5. That excommunication should not be taken away from the ecclesiastical judges.

Schedules on the subject of excommunication introduced.

On this last subject of excommunication[q] there appears to have been some lively debating, for the archbishop earnestly recommended the[r] consideration of it to this synod, and a paper relating to it was drawn up by him, or at least by one of his officers[s]. Here the writer took notice that excommunication[t] was not wont of old to be used as a punishment, save for great and scandalous offences, and that on such occasions, in addition to the particular penance imposed by the ordinary, the denunciation of the sentence was read in cathedrals and parish churches twice a year. He observed that for light faults excommunication was not used, save in the instances of non-appearance in a cause ecclesiastical, or of disobedience to a sentence pronounced. For a remedy in these cases he suggested that other means might be used less offensive and more efficacious than excommunication, and proposed that if a person after summons or sentence in the ecclesiastical court should continue forty days without appearing or satisfying, then instead of being excommunicated he should be pronounced a contemner of ecclesiastical jurisdiction, and that this offence should be signified into the chancery. Thus the person would not be deprived of Church privileges, and instead of the writ "*de excommunicato capiendo*" issuing against him, the process would be by a writ "*de contemptore jurisdictionis ecclesiastice capiendo.*" But still the writer of this valuable paper left primitive usage untouched in certain instances, and advised that in all cases of great and scandalous crimes the archbishops and bishops, with such assistance as might be needful, should declare and execute sentences of excommunication as of old.

Another paper was also produced on the same subject in this synod, of which[u] the substance was that excommunication should be used only as a punishment for greater crimes, and that for less ones suspension and imprisonment should be the penalties. The manner also in which these were to be

[q] Strype's Grindal, p. 259.
[r] Strype's Grindal, p. 260.
[s] Strype's Grindal, App. p. 96. No. xv.
[t] Conc. Mag. Brit. iv. 300.
[u] Strype's Grindal, p. 260.

inflicted was specified: either by warrant directed from the bishop to the sheriff or a justice for attaching and committing the offender, or by consigning him to prison under the direction of the bishop himself. A.D. 1581. Q. Eliz.

Subject of penance introduced.

In addition to this attention bestowed upon the highest censure of the Church, the subject of penance for open and scandalous sins was brought under the notice of this synod. And that this part of ecclesiastical discipline might not abide as a mere shadow, but produce a good effect, leading sinners to amendment, and serving as a warning to other men, the archbishop himself, now restored to liberty, devised a form of penance, and laid it before the assembly.

Form of penance proposed by Archbishop Grindal to this synod.

According[v] to the archbishop's proposal, a sermon or homily, meet for the occasion, was to be read, and during its delivery the offender was to stand bareheaded, clad in a sheet or some other garb of distinction, on a board opposite to the pulpit, and raised a foot and a half at least from the church floor. Questions also were to be put to the penitent which he was to answer, touching the truth of the allegations against him, the grievousness of his offence, the divine punishment incurred, and the evil example exhibited. Next he was to be interrogated respecting his hearty repentance, his desire for forgiveness, and his determinations of amendment. The preacher then was to desire the prayers of the congregation for the penitent. Some provisions, however, were appended to the paper, to this effect, that when the penitent appeared untouched by the solemnity, or shewed any marks of irreverence, he was to be removed from the church to the market-place, in order that although he derived no benefit from the occasion himself, others might yet be warned by his example. The wearing of the sheet in the first instance might be commuted by a gift of money to the poor, but if the offender appearing obstinate was put a second time to penance, no commutation was to be allowed.

[v] Strype's Grindal, p. 261. Conc. Mag. Brit. iv. 298.

The foregoing subjects which occupied this synod seem to have been the foundations[w] on which were laid some articles agreed on synodically about five or six years subsequently,

[w] Strype's Grindal, p. 262, and App. p. 98. No. xvi.

A.D. 1581. Archbps., Edmund Grindal, Edwyn Sandys.

and which were then offered to parliament for confirmation: but of these in their proper place hereafter.

Temporal business.

The temporal business transacted in this synod was confined to the subsidy[x] granted, and a petition[y] addressed to the assembly by the London clergy against the frauds practised in the city for evading the just payment of tithes.

[x] Sess. 8. Feb. 17, and Card. Syn. ii. 543.

[y] Coll. vol. ix. Records, No. 89.

XII. Provincial synods of 1584.

On the 24th[z] of November, 1584, the two provincial synods of England met concurrently. In the northern synod, however, the business seems to have been confined to granting a subsidy.

A.D. 1584.

[z] Conc. Mag Brit. iv. 306—315.

Canterbury Synod of 1584.

The southern synod[a] assembled at S. Paul's under the presidency of the new archbishop, Dr. Whitgift. The Latin sermon on this occasion, which is represented[b] as having been a most learned production, was preached by Dr. John Copcot, afterwards master of Benet College, Cambridge, who took these words for his text; "I[c] give thee charge in the sight of God, who quickeneth all things, and before Christ Jesus, who before Pontius Pilate witnessed a good confession; that thou keep this commandment without spot, unrebukeable, until the appearing of our Lord Jesus Christ."

[a] Strype's Ann. iii. 228. Strype's Whitgift, p. 210. Coll. vii. 41. Card. Syn. ii. 552.

[b] Fuller, Ch. Hist. b. ix. p. 173.

[c] 1 Tim. vi. 13, 14.

Dr. Redman prolocutor.

Dr. William Redman[d], archdeacon of Canterbury, was chosen prolocutor of the lower house; and the usual business such as the Bishop of London's return to the archiepiscopal mandate, the examination of the bishops' certificates of having duly summoned their clergy, the investigation of proxies, and the sentences of contumacy were dispatched according to custom. The synod was then continued to Westminster[e], where, in the second session, the dean's protestation of privilege was received, Dr. Redman presented and admitted as prolocutor, and the clergy admonished to take measures for reforming abuses in the Church, and for providing their subsidy to the queen.

[d] Sess. 1.

[e] Sess. 2. Dec. 2.

Parliamentary essays at interference in Church matters.

Archbishop Whitgift was prevented from a constant attendance in this synod, being obliged to be present in his place in parliament. This was rendered necessary on account of the endeavours[f] then made in that assembly to interfere in ecclesiastical business; and to this course some of the members were urged by the

[f] Fuller, b. ix. p. 173.

convention of preachers now held in London. The parliament was inclined to listen to their suggestions; but the queen interposed rightly, and would not permit puritan leaven to be introduced into the Church by such means. The archbishop, indeed, addressed her majesty on the subject, in a letter deprecating parliamentary interference in matters which really were beyond their cognizance; and the queen proved herself equal to the occasion[g] by restraining such abuses. On account of the archbishop's constant attendance in parliament, which was rendered so necessary on the foregoing account, he appointed five bishops[h], his vicar-general Dr. Dunne, and Redman the prolocutor, as commissioners, with power to preside and to act in his place in the matter of continuations.

A. D. 1584. Q. Eliz.

[g] Fuller, b. ix. p. 173.

[h] Card. Syn. ii. 553. Strype's Whitgift, p. 210.

Temporal business.

The vicars of the province early in the sessions presented a petition[i] to the synod for some steps to be taken favourable to their order in a pecuniary point of view; and the subsidy of six shillings in the pound, payable in three years to the crown, was also agreed[j] to.

[i] Sess. 4.

[j] Sess. 7.

John Hilton's penance.

The ancient right of the convocation to summon offenders against the ecclesiastical laws, and to try and punish heresy, was exercised in this synod. John Hilton, a clerk, and one Thomas Shoveler were both[k] convened; the former for blasphemy, the latter for having exercised the ministerial office not being in holy orders. This Hilton had been imprisoned by the High Commission Court for his enormities; but was now brought before a tribunal which upon consideration carries with it a more primitive appearance, and accords more closely with the models of the early Christian Church. The accused came before the synod[l] four days after the order was made for his appearance, and confessed that in a sermon preached by him at S. Martin-in-the-Fields he had depraved the Bible, blasphemed our blessed Saviour, and, in fact, declared himself a heathen. His shocking opinions and impious tenets he however now abjured[m] in writing. Upon this submission the synod bid him no more hold nor teach such heresies and blasphemies. In addition to this admonition there was added the following penance: first, that he should attend at the sermon at S. Paul's cross on the

[k] Strype's Whitgift, p. 210.

[l] Sess. 9. Dec. 22.

[m] Strype's Whitgift, p. 211, and Coll. vii. 41.

A. D. 1584. Archbps., John Whitgift, Edwyn Sandys.

following Sunday, and stand with a faggot upon his shoulders before the preacher; and secondly, that he should make a recantation in S. Martin's church where Dr. Cotton was to deliver a sermon in the presence of the lower house of convocation, and that he should not again presume himself to preach or exercise his ministry without a special licence from the archbishop. For the due performance[n] of this penance Hilton was bound under a recognizance of 500*l.* to the crown.

[n] Fuller, Ch. Hist. b. ix. p. 176.

Six articles passed in this synod.

Six articles were also passed in this convocation, and received full synodical sanction[o]. Their titles were of the tenour following:—

[o] See Strype's Whitgift, p. 279.

1. That fit men[p] be admitted to holy orders and benefices ecclesiastical. 2. Of regulating the commutation of solemn penance. 3. Of moderating some indulgences for the celebration of holy matrimony without thrice asking the banns. 4. Concerning the restraining and reforming of some excesses about excommunication. 5. For restraining the plurality of benefices. 6. Concerning fees that are owing to the ecclesiastical officers and their servants.

[p] Strype's Whitgift, p. 209, and App. No. xviii. Sparrow's Collections, p. 193. Card. Syn. p. 139.

To these was added a memorandum that each bishop should inquire into the state of the clergy, and also into the value of the benefices within his diocese, and certify the same to the archbishop. It may be observed that these articles embraced matters which we have seen debated in previous synods; and further, that they were incorporated[q] with others and again synodically confirmed[qq] some years afterwards, in October, 1597.

[q] Strype's Whitgift, p. 210.

[qq] Vid. infra, pp. 612-13.

A. D. 1585.

This synod[r] was so busily engaged in regulating ecclesiastical business, that they held twenty sessions between the date of their assembly[s] and the 31st of March, 1585, on which day the preceding articles were confirmed by the queen, the convocation then sitting at S. Paul's. And subsequently[t] they were set forth under the archiepiscopal hand and seal, with an assertion of their synodical[u] authority, and a mandate ordering that they should be observed through the province of Canterbury.

[r] Strype's Whitgift, p. 211.

[s] Nov. 24, 1584.

[t] April 16.

[u] Conc. Mag. Brit. iv. 317.

Other orders set forth in this synod.

At this time[v], also, other orders were set forth by the synod, as a means for securing greater proficiency in learning among the inferior clergy. They were directed[w]—1. to learn accurately

[v] Lath., p. 195 note, quotes Tanner, MSS. p. 282.

[w] Strype's Whitgift, p. 211.

the order of reading the Common Prayer, as appointed in the preface to that book; 2. to study weekly a chapter in the Old and one in the New Testament, making notes thereon according to the direction of their ordinary; 3. to write quarterly a Latin exercise upon some topic in divinity to be selected by the bishop; 4. those, however, who could not reach to such a performance in Latin were allowed to make use of their mother tongue; and 5. these exercises were to be accounted for to the ordinary, or, at least, to some person appointed by him. A. D. 1585. Q. Eliz.

A petition put up.

One other point only as regards this convocation seems worthy of notice, which is that the synod directed[x] a petition to the queen against the bill then pending in parliament for the restraint of pluralities. This latter assembly, indeed, appears at this time to have made great endeavours to interfere in ecclesiastical matters. But it can hardly be supposed that the puritanical influences there at work were heartily directed to the extension and confirmation of the Church, notwithstanding some flimsy pretences of good will. The truth is that by covert means trenches were being opened from which it was hoped, as indeed came to pass, that the citadel might eventually be stormed and taken. The last[y] meeting of this synod before separation was held on May 21[z], from which day the assembly was further continued.

[x] Conc. Mag. Brit. iv. 308. Card. Syn. p. 566.

[y] Sess. 21.

[z] 1585.

XIII. Provincial synods of 1586.

The northern and southern convocations were summoned to meet[a] on the same day[b], in the autumn of 1586. It appears however that the northern synod on this occasion preceded the other in its first formal meeting, and therefore it is here placed first in order.

A. D. 1586.

[a] Conc. Mag. Brit. iv. 321—323.

[b] Oct. 16.

York provincial synod.

The members[c] of the York provincial Synod met in the cathedral of that province on the 16th of October, Edwyn Sandys being still their metropolitan; and the assembly was continued from time to time until March 23, 1587 N.S.

[c] Conc. Mag. Brit. iv. 323.

Their synodical address to the queen.

In the preface to their subsidy a long address was voted to the queen, in which notice was taken of the great advantages accruing to the realm, both spiritually and temporally, from her majesty's pious government, and especially from the publication of the scriptures, the establishment of true religion, and the abolish-

A. D. 1586. Archbps., John Whitgift, Edwyn Sandys.

ment of foreign jurisdiction. The necessity of munitions of war for resisting the aggressions of enemies banded together not only for the oppression of this realm, but the extirpation of true religion, was remarked upon; and therefore, as a pledge of good will, fidelity, and duty, a subsidy of six shillings was unanimously granted, in addition[d] to an extra benevolence of three shillings in the pound. As regards this extra benevolence of three shillings in the pound, it is worthy of remark that, in granting[e] it, the synod addressed her majesty for a licence[ee] to make synodical decrees for levying it; a request which, as might be expected[f], they readily obtained, and of which they availed themselves by passing thirteen canons[g] specifically directed to the object in hand.

[d] Conc. Mag. Brit. iv. 324.

[e] Conc. Mag. Brit. iv. 324.

[ee] Vid. sup. p. 367.

[f] Conc. Mag. Brit. iv. 324.

[g] Conc. Mag. Brit. iv. 325—327.

Proctors' and officers' fees.

The subject[h] of fees payable to the proctors and other ecclesiastical officers was also considered in this synod. It was agreed that all beneficed persons above vicars should pay two-pence in the pound (according to the exchequer valuation for firstfruits and tenths), and every vicar whose benefice was of the value of 10*l.* or more per annum should pay one penny in the pound to the proctor by whom they respectively appeared in the convocation. One moiety of this sum was to be retained by the proctor himself, and the other moiety divided equally between the registrar and the apparitor of the synod. And these contributions were to be enforced under the penalty of ecclesiastical censures. To this was added[i] a proviso that all members of the convocation should be themselves free from the obligation of making any such payments.

[h] Conc. Mag. Brit. iv. 323.

[i] Conc. Mag. Brit. iv. 324.

Canterbury provincial Synod.

The formal[k] opening of the Canterbury provincial Synod took place this year[l], in S. Paul's cathedral, on Nov. 2, when divine service was performed, and the usual preliminary business was transacted.

[k] Conc. Mag. Brit. iv. 321. Syn. Ang. ii. 137. Strype's Whitgift, p. 260. Coll. vii. 55.

[l] 1586.

Dr. Redman prolocutor.

William Redman, archdeacon of Canterbury, was again chosen as prolocutor, and a commission was issued to five bishops, the prolocutor, Dr. Awbrey vicar-general, the Dean of Westminster, and Dr. Dunne, who were empowered to act in case of the archbishop's absence.

Assessors appointed.

Assessors also to the[m] number of fourteen were[n] assigned by the prolocutor to assist him in the management of such business as might come before the

[m] Syn. Ang. p. 139.

[n] Sess. ii. Nov. 4.

synod. The appointment of these gentlemen, consisting of six deans, five archdeacons, and three below that degree, was unanimously assented to by the lower house, and the prolocutor then gave directions that no member should appear without his clerical habit, and that such schedules of "reformanda" as any person had to bring forward should be handed to himself at the ensuing session. A.D. 1586. Q. Eliz.

Business of the synod.

The synod being thus put into a position for the prosecution of business, the following were the chief matters transacted. An[o] examination was set on foot respecting the ordination or institution of unworthy persons, with a view to secure the reformation of such abuses.

[o] Sess. 8, Nov. 18.

Orders for the increase of learning among the inferior clergy.

Orders[p] were also introduced for the better increase of learning in the inferior ministers, and for more diligent preaching and catechising. These were digested into seven heads. Among other things it[q] was here provided that every unlicensed preacher, under the degree of M.A. or B.C.L., should provide himself with a Bible, a Latin or an English copy of Bullinger's decades, and a paper book; and that once a day he should read a chapter in the Bible, and once a week a sermon in the decades, making notes of the same in his commonplace-book, which was to be submitted every quarter to the inspection of a neighbouring preacher appointed for the purpose. It was conceded, however, that the writer should not be obliged to travel to great distances in order to shew his notes; and to relieve from this necessity numerous examiners were to be appointed through the country, who were to certify to the due performance of the aforesaid exercises, and their certificates were to be returned through the archdeacons and other officials annually to the respective diocesans. Obedience moreover to these orders was to be enforced under ecclesiastical censure. A proviso[qq] was however added that the somewhat remarkable exercises above specified should be the only ones used within the southern province. This was evidently directed against any attempt to revive the "prophesyings," which in Archbishop Grindal's time had been the cause of so much trouble and dissension, but which were now happily suppressed.

[p] Sess. 13, Dec. 2, Upp. house Sess. 11, Lower house.

[q] Strype's Whitgift. App. No. xxxii. Card. Syn. ii. 562.

[qq] See item 7.

Other orders.

It was also ordered that the catechism should be taught, and such ministers as were not

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licensed preachers were now permitted to expound the points contained in that manual of doctrine to their parishioners, not however from the pulpit, but from the stalls only. Every licensed preacher was directed to preach twelve sermons annually within the diocese in which his benefice lay; but if he had two benefices, he was to preach eight sermons at each. And of these licensed preachers six or seven were to be appointed in each diocese, either by the bishop himself, or at least with his consent, who were to preach by course every Sunday in the parishes of their neighbourhood where no licensed preacher lived, so that there should be a sermon at least once a quarter in every parish church. But the person whose church was thus furnished with a sermon was to find a dinner for the preacher, and provender for his horse, and, moreover, provide for the duty of the preacher's church, unless the latter had a curate of his own. These regulations, it should be observed, were not now passed into synodical canons, but were merely exhibited as the groundwork upon which the bishops were to found their managements in their respective dioceses; and these orders were afterwards (November 1588) specially urged upon the attention of his suffragans by Archbishop Whitgift[r].

[r] Strype's Whitgift, p. 278.

Schedules of gravamina brought in.

Some schedules of complaint were introduced into this synod, by which it appears that the diocese of Norwich was at that time in a lamentable state of disorder. One[s] of these schedules referred to the diocese generally, the other was particularly confined to the Suffolk archdeaconry.

[s] Strype's Whitgift, p. 260.

Schedule of complaint from Norwich diocese.

The first[t] complained of improper ordinations and institutions, of penances commuted, of avaricious greediness among officials, of excommunications denounced on slender grounds, of neglect of the poor, of the removal of good preachers and the promotion of less worthy ones, of the exaction of fees, and of preachers who discharged their function without licence. Upon these abuses a request was grounded that no licence for preaching might be granted to any man unless he conformed to the Prayer Book, and guided his whole ministry in accordance with its directions; and it was prayed moreover that a restraint might be placed upon prohibitions, and that fees might be regulated.

[t] Strype's Whitgift, p. 260, and Card. Syn. p. 565.

Schedule of complaint from Suffolk archdeaconry.

The schedule[u] of complaint presented to the synod from the archdeaconry of Suffolk discloses a still more lamentable state of abuse and neglect. It sets forth that the holy communion was either not administered at all, or at best but in part observed; that the surplice was discarded, holy days neglected, the elements delivered to communicants in a sitting posture, and that persons took the freedom to call those "time servers" who conformed to the proper usages of the Church. It declares moreover that disorderly conduct prevailed among some of the stipendiary preachers and curates, and that the questmen failed in the performance of their duty in making their presentments.

A. D. 1586. Q. Eliz.

[u] Strype's Whitgift, p. 261, and Card. Syn. p. 565.

Controverted election of a proctor.

A circumstance took place during the sessions of this synod which shews that at this time, in case of a disputed election of a clergy proctor, the lower house of convocation was deemed the proper tribunal for the decision of the[v] controversy. A contested election had taken place in one part of the diocese[w] of Norwich, and a question had arisen whether Dr. John Dey or Mr. John Knewstubbs was the person duly returned as proctor. For the disentanglement of the difficulty three gentlemen, viz. George Gardiner, dean of Norwich, Dr. John Walker, and Thomas Nuce, B.D., were examined on oath tendered by the prolocutor as to the customs governing elections in the aforesaid diocese. Certificates also were produced on the same subject under the hands of Mr. John Maplezden, archdeacon of Suffolk, and a notary public, together with a deposition of one Mr. Best. The whole of the evidence[x] went to prove that the practice had been for the clergy of the Sudbury and Suffolk archdeaconries to choose a proctor "alternis vicibus," *i. e.* if the clergy of Sudbury chose the proctor for one convocation the clergy of Suffolk chose for the next, and so they exercised this privilege in turns. It moreover appeared that when it was the turn of the clergy of one of those archdeaconries to elect, the clergy of the other neither received any summons to appear, nor were they held responsible to contribute towards the proctor's expenses. It was further proved that on the present occasion it was the turn of the Sudbury archdeaconry to choose the proctor, but that, notwithstanding this, twenty-seven clergy of the other

[v] See also on the same subject, Nov. 14, 1640.

[w] Syn. Ang. pt. ii. p. 140.

[x] Syn. Ang. pt. ii. pp. 141—144.

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archdeaconry had voted, and that although Mr. Knewstubbs had by this means a majority of eight on the gross poll, yet that when the votes from the Suffolk archdeaconry were deducted, he was left in a minority. Under these circumstances, when Mr. Knewstubbs appeared[y] before the lower house to shew cause why he should be admitted as a member, his case broke down, and the prolocutor adjudged Dr. Dey to be the lawful proctor.

[y] Sess. 4. Syn. Ang. p. 145.

Right of curates to vote at the election of a proctor.

Another point[z] was raised on this election respecting the right of curates in the diocese of Norwich to vote for the clergy proctors, and it was sworn before the lower house that in the opinion of those who took the votes at the election the Norwich curates possessed no such privilege. This may be the case in that diocese, but it is certainly no universal rule; for in the ancient diocese of Hereford curates have exercised that right time out of mind, and have most justly been allowed a voice in the election of those who are to represent the "whole clergy" in the provincial synod. And it is indeed very much to that body among his brethren that the writer of these pages owes the highest honour ever conferred on him, that of a seat in the provincial Synod of Canterbury.

[z] Syn. Ang. pp. 144, 145.

It is somewhat remarkable that in this synod of 1586 there was also a contested case respecting the proctor from the other part of the diocese of Norwich, which seems in this as well as in other matters to have been in a strange state of disorganization. The point, however, was[a] decided by the archbishop, and did not come before the tribunal of the lower house. The parties[b] in the last case were Mr. West and Mr. Thorowgood. The decision was in favour of the former gentleman.

[a] Syn. Ang. pt. ii. p. 145.

[b] Syn. Ang. pt. ii. p. 145.

A.D. 1587.

A subsidy granted.

The Canterbury Synod met again after a short recess (from Dec. 2) on the 17th of Feb. 1587 N.S. The subsidy to the queen was the[c] matter now under hand[d]; and for the management of this business assessors were again selected by the prolocutor, with consent of the lower house, as his assistants. As we have seen above that a benevolence, on account of the exigency of the times, was added to the usual subsidy in the northern synod, so a like liberality was exercised in the province of Canterbury. The subsidy in both provinces, as well as the benevolence, was the same; the

[c] Strype's Whitgift, p. 26.

[d] Syn. Ang. pt. ii. p. 151.

A.D. 1587. Q. Eliz.

former amounting to six, the latter to three shillings in the pound. When the Canterbury clergy presented their benevolence to her majesty, it was accompanied with a very dutiful address, signed with the archiepiscopal seal, in which they[e] took notice of the great benefit which the realm at large and the clergy in particular derived from her majesty's clemency and careful government. They acknowledged the great expenses which were imposed on her majesty by the enemies of the gospel and the kingdom, and so in token of their duty and thankfulness they declared their joint consent in awarding the pecuniary aids[f] above mentioned. As in the northern province, so here the clergy desired her majesty's authority for making decrees to levy these contributions, and this authority was readily given by letters patent[g] under the great seal. As it was usual for the clergy, when they made such grants, to add requests for some royal favour desired, or to seek redress for some injury received, so about[h] this time and probably on this occasion a petition at the request of the lower house was preferred by the bishops to the queen.

e Strype's Whitgift, p. 261. Card. Syn. p. 566.

f Strype's Whitgift, App. xxxiii.

g Att. Rights, p. 642. Vid. sup. pp. 367-8, & 592.

h Strype's Whitgift, p. 262.

A petition to the queen.

This petition complained[i] of the enmity shewn by vulgar persons to the Church, of the hard measure dealt out to spiritual guides, and of the harsh application of statute law to the detriment of ecclesiastics. Notice was taken of the pious and ready devotion with which Church dues were formerly paid as compared with the niggardly contribution to the wants of the clergy in the present day; and so the petition concluded by beseeching her majesty to look with clemency on any irregularities, of which the clergy might have been guilty, in those cases where they could not be justly charged with enormous offences. This request was so well received by her majesty, that an act of parliament[j] was passed this session granting a most gracious[k] general free pardon.

i Strype's Whitgift, p. 262.

j 29 Eliz. c. 9.

k Strype's Whitgift, p. 263.

An exhortation of the archbishop.

After the business[l] of the subsidy was settled and the queen's thanks for it reported, the archbishop[m] encouraged the archdeacons to vigilance, made some remarks on the enmity of the House of Commons, and exhorted the clergy to their duty; and, on the other hand, the lower house[n] requested the bishops to be circumspect in the matters of ordinations and the fees of their officials.

l Strype's Whitgift, p. 262.

m Sess. 7.

n Sess. 10, Mar. 15.

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Schismatical endeavours of dissenters, "The Book of Holy Discipline."

But the attention of the synod was not only directed to the internal management of ecclesiastical affairs. Dissenters were now increasing in numbers and power through the country, and had infused much of their leaven into the two last parliaments, which had so far imbibed their principles as to press with much vigour for an alteration in ecclesiastical government, and for the introduction[o] of a strange book of religious worship into the Church. These movements were traceable in a great measure to the proceedings of the new disciplinarian ministers, twenty-four in number. Two classes, as they called their religious meetings, were formed, of which Warwick and Northampton were respectively the head-quarters; and these persons had subscribed a book which they would fain have had imposed on Churchmen, entitled "*The Holy Discipline of the Church described in the Word of God.*" Travers was the chief author, and Thomas Cartwright's name, in the Warwick class, appeared as the first subscriber. These malcontents excited the gentry and sundry members of parliament to forward their enterprise, and endeavoured to compass the deposition of bishops as corrupt, of the clergy as ignorant, and to discharge the use of the Common Prayer Book as superstitious and popish. Mild applications to the council and parliament were first used in order to obtain these ends; but if such measures failed the more rugged expedients of force and violence[p] were intended; for some members of this party held that "subjects might withstand their prince;" and that, after admonition and excommunication by the ministers of their own fantastical sect, "the people might punish him, and he would cease to be their king."

[o] Strype's Whitgift, p. 263.

[p] Strype's Whitgift, p. 264.

Against such surprising and levelling principles, more especially as some of them had found favour in the parliament, the members of this synod felt it their duty to protest. The archbishop[q] himself, or at least some of his chaplains, it seems, made written observations on this dangerous book of "*Holy Discipline*," as it was termed; and about the time of the dissolution of this synod the members addressed her majesty in writing[r] against the book itself, as well as against the parliamentary proceedings in connexion with it.

[q] Strype's Whitgift, p. 264.

[r] Strype's Whitgift, p. 263.

The synod takes exception to this book.

The title prefixed[s] to the address of the synod runs thus: "The project and platform of outward Church government exhibited in a bill and book to the last parliament, by such as disturb the peace of the Church by seeking innovation, is absurd in divinity and dangerous in policy to this state, as appeareth by the several writings of such as are favourers and devisers thereof, and by the bill and book itself." The synod declared in the body of their address that they would make manifest the absurdity of the aforesaid production as regarded divinity (at least if any doubt could exist[t] in the royal mind on the subject) either at the present moment or at any other time when her majesty might please to appoint. And, further, they take notice of the extreme peril both to her majesty's person and the laws of the land which must ensue from the propagation of such tenets.

A.D. 1587. Q. Eliz.

[s] Strype's Whitgift, p. 263.

[t] Strype's Whitgift, p. 263, quotes MSS. Lambeth lib.

The synod breaks up.

The last session[u] of this synod was held at Westminster on the 24th of March, 1587 N.S. After prayers and the preconization of the lower house the prolocutor and clergy attended the archbishop and his suffragans in K. Henry VII.'s chapel. On this occasion[v] Archbishop Whitgift took notice of the absence of some of the members cited, and of habits unbecoming the clerical character which prevailed among some clergy of his province. For a redress of these abuses he warned the archdeacons to be vigilant in their office, and to invoke if needful the aid of the diocesan or the metropolitan, or even of the queen herself, lest any scandal should be brought on the doctrines of the gospel. His grace then exhibited a schedule of the names of such as were suspended from the celebration of divine offices and the exercise of ecclesiastical jurisdiction on account of their contumacious absence from the synod. These penalties[w] were, however, afterwards remitted; and among others the Bishop of S. Asaph, who had incurred them, obtained the benefit of absolution, and so the assembly was dissolved.

[u] Sess. 14.

[v] Syn. Ang. pt. ii. p. 163.

[w] Card. Syn. ii. 562.

XIV. Provincial synods of 1589 N.S.

The two provincial synods[x] met simultaneously on the 5th of Feb. 1589 N.S. The business of the northern synod appears to have been confined to temporal matters, a subsidy having been unanimously[y] granted, but in the southern province some greater activity was displayed.

A.D. 1589.

[x] Conc. Mag. Brit. iv. 335. 340.

[y] Conc. Mag. Brit. iv. 340-1.

A.D 1589. Archbps., John Whitgift, John Piers.

Canterbury provincial Synod.

The Canterbury Synod[z] met at S. Paul's. The usual solemnities were observed, and the ordinary formal business transacted.

[z] Conc. Mag. Brit. iv. 335. 341. Syn. Ang. ii. 164. Card. Syn. 570. Strype's Whitgift, 282. Coll. vii. 112.

Mr. Styll, preacher and prolocutor.

The preacher was Mr. John Styll, archdeacon of Suffolk, and afterwards master of Trinity College, Cambridge, who took occasion in his sermon to remark[a] upon the singularities of the dissenters, now termed, according to a mild nomenclature, "favourers of the discipline." This same gentleman[b] was chosen prolocutor of the lower house by unanimous consent at the election which took place in S. Mary's chapel, at the eastern end of the cathedral, under the direction of the dean, Alexander Nowel; Dr. Richard Fletcher, dean of Peterborough, being at the same time appointed to present. It may be remarked that the prolocutor[c] chose only eight assessors as his assistants in this synod, to whose names the clergy gave a ready approbation. Fourteen was the number chosen[d] in 1586.

[a] Strype's Whitgift, p. 282.

[b] Syn. Ang. pt. ii. p. 165.

[c] Syn. Ang. 168.

[d] Vid. sup. p. 592.

Subsidy granted.

The subsidy first engaged the attention of the assembly, and was dispatched with speed[e] and cheerfulness after some debates[f] and divisions in the lower house; the clergy being sensible of the dangers now impending over this Church and kingdom from the combination of enemies at home and abroad. A double subsidy[g] indeed was now granted, the last year having brought with it unusual expenses in providing against the attack of the Spanish Armada. The willing liberality of the synod[h] at this juncture seems to have been well taken, for when Serjeant Puckering and the attorney-general brought down the bills from the House of Lords to the Commons confirming this subsidy, the serjeant bestowed upon the clergy's grant some special commendations[i].

[e] Strype's Whitgift, p. 282.

[f] Syn. Ang. 170. 173-4.

[g] Syn. Ang. pt. ii. 171.

[h] Hume, c. xlii. pp. 465-7.

[i] Strype's Whitgift, p. 282.

Serjeant Puckering's essay in divinity.

By the way, that learned gentleman was here engaged within his proper function, and, it may be presumed, discharged his duty to satisfaction. But on another occasion when, as speaker of the House of Commons, he waited upon Q. Elizabeth with an address[j] from the parliament for the execution of the Queen of Scots, he made a speech in which he ran out into topics of divinity; and then by rambling out of his profession he appears to have lost his way beyond recovery. In fact he entangled himself in

[j] Coll. vii. 54.

a metaphor every way surprising, overlooked patent distinctions, adduced examples wide of the mark, and indulged in reasoning altogether foreign to his purpose and proportionably inconclusive. For instance, the serjeant, in speaking of the English nation, informed the queen that she was their "natural mother[k]," thus bringing her majesty into a parental consanguinity with vast multitudes of persons quite incomprehensible, and withal using a figure of speech not altogether seemly to a virgin queen. Then the learned serjeant drew a parallel between Saul and Q. Elizabeth on the one part and Agag and the Queen of Scots on the other; and moreover, together with other scriptural allusions, brought in the names of Jezebel and Athaliah as applicable to the case of the latter princess. But upon consideration neither does the parallel hold good, nor are the examples adduced pertinent to the occasion. In fact nothing could be more unhappy or more unconvincing than Serjeant Puckering's essay on this occasion; and had he thought fit to confine himself to topics within his proper calling, his character for good sense and for a competent proficiency in sacred history would have been less open to suspicion.

A. D. 1589. Q. Eliz.

[k] Coll. vii. 55.

Archbishop Whitgift prevented by illness from attending the synod.

As Archbishop Whitgift was ill[l] during the sessions of this synod, some of the meetings were held at Lambeth; his grace sitting in the great chamber, and the lower house meeting in the chapel[m]. And, indeed, his illness so far increased that at one time he was confined to his room, when his official functions[n] were discharged by a committee of bishops.

[l] Syn. Ang. pt. ii. p. 175.

[m] Syn. Ang. pt. ii. p. 176.

[n] Strype's Whitgift, p. 282.

Some ecclesiastical business transacted.

However, his grace appears to have in some measure regained health, for we find that shortly afterwards[o] he called the lower clergy into his presence, pronounced[p] the absent contumacious, and admonished those who were doubly beneficed to reside alternately upon their cures, or, at least, if their residence was dispensed with, to provide worthy substitutes.

[o] Sess. 12.

[p] Strype's Whitgift, p. 282.

Contribution in the lower house for two converted Romish priests.

He also moved the synod to make a contribution for the support of two persons, lately Romish priests[q], who had been converted to the English Church. In accordance with which request the lower clergy, after having returned to their house, contributed[r] forthwith 3*l*. 14*s*. 10*d*. for the objects of charity

[q] Strype's Whitgift, p. 282.

[r] Syn. Ang. pt. ii. p. 171 (bis).

A.D 1589. Archbps., John Whitgift, John Piers.

proposed. The names of these converted persons were William Tydder and Anthony Tyrrel; they had been brought up as seminary priests in the English college at Rome, but had lately recanted their errors at S. Paul's cross, assigning publicly as their reason for separating from the Church of Rome "the[s] wicked counsell and devilish devises of the Pope and his children against the queene's majestie and our most deere countrey."

[s] Lathbury, p. 201, note.

Orders for the province of Canterbury introduced.

Towards the end of the sessions[t] of this synod the archbishop introduced six orders[u], which were to be observed throughout his province, to the following effect:—

[t] Sess. 15, Mar. 19.
[u] Syn. Ang. pt. ii. p. 172 (bis).

1. Single[v] beneficed men were obliged to constant residence, with the exception of prebendaries and royal and noblemen's chaplains; there was also a proviso in the case of those who were allowed non-residence by act of parliament. However in such cases a licensed preacher was to be provided as curate.

[v] Strype's Whitgift, pp. 282-3. Card. Syn. 572. Conc. Mag. Brit. iv. 572. Coll. vii. 112.

2. Double beneficed men were to reside an equal proportion of time on each of their cures, and when absent to provide a licensed curate.

3. Beneficed men absent one hundred and twenty days were to keep licensed curates.

4. Scandalous ministers were to be removed, and not readmitted to any cure.

5. No ignorant person unqualified to catechise was to be admitted to any cure.

6. No curate might be displaced without authority from the archbishop or the bishop of the diocese.

These orders do not appear to have passed into synodical decrees, but both houses accepted them and promised obedience to their injunctions[w].

[w] Strype's Whitgift, p. 283.

A party in the parliament endeavours to undermine the Church.

A petition to her majesty was unanimously agreed to in this synod. It is believed to have been drawn up by Archbishop Whitgift himself, and is directed against the restraint upon pluralities which the parliament at this time was endeavouring to effect. There was a party now in the House of Commons who, urged on by the dissenters, were striving to undermine the Church. They saw, however, that rough expedients and close measures were

not likely to succeed; and so under cover of effecting purposes of general advantage they opened their trenches at a distance, hoping not unreasonably that time and labour might bring them in upon the fortress and ensure its destruction. A. D. 1589. Q. Eliz.

One member, Mr. Damport, moved in the commons that the existing laws[x] were inadequately exercised by the ecclesiastical authorities, and prayed a remedy. This gentleman, however, received a check from Secretary Wolley, who took notice that her majesty had sent down an express inhibition through the lord chancellor against the interference by that house with any ecclesiastical causes; whereupon Mr. Damport's paper was handed back to him by the speaker. Another member brought in a bill[y] for the restraint of pluralities. This proceeding carried a fairer face upon it; and if we could believe that it was only intended to remove scandals from the Church, the memory of its mover might be entitled to more respect. But the characters of the gentlemen[3] to whose management the bill was committed forbid such belief. And though this bill sank, another of the same tendency received more support. It was introduced by Treasurer Knollis, and though opposed stoutly by Wolley and another member, it passed the commons. Less success, however, attended it in the lords, where it[z] also was swamped. This miscarriage of the parliamentary endeavours to interfere in ecclesiastical affairs seems to have afflicted the puritan ministers so far as to set them upon some tragical[a] strains of lamentation. And because the queen and her ministers did not choose to submit ecclesiastical matters to the civil legislature, one[b] of the malcontents took the freedom to liken her majesty's progress to parliament to the passage of Agrippa and Bernice "into[c] the place of hearing" at Cæsarea.

[x] Strype's Whitgift, p. 279.

[y] Strype's Whitgift, p. 279.

[z] Strype's Whitgift, p. 279.

[a] See Egerton to Fenn. Strype's Whitgift, p. 281.

[b] Egerton.

[c] Acts xxv. 23.

The clergy were so nearly touched by the bill above mentioned, and so much afraid of consequences which might ensue, that they agreed in synod upon an address to her majesty upon the subject.

The synod address her majesty on the subject.

Their address[d] craves the royal protection against measures which may reduce the clergy to a state of distressing want. It takes notice

[d] Conc. Mag. Brit. iv. 339. Card. Syn. 574. Strype's Whitgift, p. 280.

[3] Treasurer Knollis, Mr. Morrice, Mr. Beal, Sir R. Jermin, Sir F. Hastings, all favourers of the Puritans.

A. D. 1589. Archbps., John Whitgift, John Piers.

that the plan suggested in parliament for the increase of a learned ministry would rather promote ignorance, effect a diminution in their means of support, disable the Church service, and introduce confusion. The danger of unsettling what is established is urged, and the troubles which have befallen others are quoted as warnings. The learning of the English clergy is said to surpass that attained in any of the reformed Churches; and this, as well as other advantages derived from her majesty's careful government, are heartily and joyfully acknowledged. Further, as requests without sufficient reasons are unworthy of regard, the queen is beseeched to consider the present state of the clergy, as well as that to which they would be reduced in case the parliamentary bill before alluded to should be allowed to pass into a law. As regards their present state, the clergy affirm that 100,000*l.* annually of their tithes are absorbed by impropriations. That nearly the same sum is lost to them on account of the abbey lands, which remain tithe-free, though now in lay hands. That some statutes have deprived them of the tithe of wood which has reached more than twenty-one years' growth. That moduses have been set up in some parishes to their great disadvantage. They do not, indeed, now repine at these past arrangements, but suggest that they ought not further to be disfurnished of the means of subsistence. As regards the future, the clergy suggest that some bishops will be unable to maintain a proper appearance if the benefices which they now hold in commendam should be taken away. That by the plan proposed there will be no difference between a doctor in divinity and a scholar. That learned men will be the subjects of the least regard. The address also takes notice that the bill as proposed in parliament required an impossibility, for that out of 8800 and more benefices there were not 600 left with sufficient stipend to support learned clerks; and, indeed, further, that there were not men enough to supply all those posts. Moreover it is suggested that one benefice is not sufficient to support such as are appointed queen's chaplains, public preachers, or members of synod, who are thus put to extraordinary charges. This fact is also urged, that the laity by this bill are dealt more softly with than the clergy; for though the clergy are

forbidden by it to be pluralists, even though they do their duty personally or provide sufficient substitutes, yet the laity are not restrained from multiplying impropriations which are served by under-qualified curates. The inconveniences to cathedrals and the universities, the hindrances to religion, and the difficulties which her majesty herself would experience should the bill become law, are also pressed; and, in conclusion, Beza's judgment on the matter in hand is animadverted upon: for this person had taken leave, though a foreigner and labouring under strange misapprehensions, to set down his opinions[e] on the state of our Church.

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e In his notes on 1 Cor. xiv.

Archbishop Whitgift's letter on the payment of subsidies.

Such was the chief business transacted in this synod, but before it was finally dissolved the archbishop took occasion to issue a letter[f] in somewhat sharp terms to some clergy who were behind hand in the payment of their quota to the subsidies, and especially to the benevolence last granted. This backwardness had caused complaints in parliament among those who at this time were forward in finding fault on all occasions, when any clergyman was concerned; and therefore the archbishop, anxious to save the whole body from censure, which was only deserved by a few, dealt somewhat severely with the defaulters, shewing the dangerous consequence of their conduct, and assuring them that they might expect rigid measures if they continued incompliant.

f Strype's Whitgift, p. 283.

When the assembly was ready[g] to break up, the archbishop suspended absentees, and such as had departed without leave, among whom appears by name the Bishop of Lichfield; and on the[h] 2nd of April, 1589, the Bishop of Peterborough, as his grace's commissioner, dissolved the synod.

g Mar. 28, Sess. 21.

h Syn. Ang. ii. 175.

XV. Provincial synods of 1593 N.S.

The Canterbury[i] and York[k] Synods assembled in the year 1593[l] simultaneously on the 20th of February[m], the day after the meeting of parliament.

A.D. 1593.
i Conc. Mag. Brit. iv. 343.
k Conc. Mag. Brit. iv. 345.
l 1593 N.S.
m Coll. vii. 162.

Parliamentary interference in ecclesiastical matters again renewed.

The parliament still pertinaciously exhibited a desire to interfere unreasonably in ecclesiastical affairs, and to this course they were mainly urged by the out-door pressure of the dissatisfied and ever restless dissenters.

A. D. 1593. Archbps., John Whitgift, John Piers.

But checked by the queen.

The queen was however prudently apprehensive of the miscarriages which would take place, and of the mischiefs which would inevitably ensue, if questions of divinity became the subjects of discussion in parliament, an assembly notoriously unfitted for such engagements. To guard against any contingencies of this nature, when the customary request for liberty of speech was made by the speaker of the lower house, Sir E. Coke, then also solicitor-general, this answer was returned in the queen's name by Puckering [n], at this time lord keeper: "As to privilege of speech, it is granted, but you must know what privilege you have: it is not a licence for every one to speak what he lists, or to throw out every fancy that comes into his brain, but your privilege is to say 'yea' or 'no.' Therefore, Mr. Speaker, her majesty's pleasure is, that if you perceive any idle heads that are hardy enough to run themselves upon danger, that will venture to meddle with reforming the Church and transforming the commonwealth, if any such bills are offered, her majesty's pleasure is that you would not receive them, till they are viewed by those who it is fitter should consider such things, and can better judge of them."

[n] Coll. vii. 162-3.

Notwithstanding this unmistakeable and very necessary direction, some meddlers in the House of Commons introduced two bills on the subject of Church government, one [o] concerning subscriptions and offering of oaths, the other concerning the penalty of imprisonment inflicted upon refusal. Sir Francis Knollis [p], Mr. Morrice [q], and Mr. Robert Beal [r], a person who sometimes misbehaved himself excessively, were the foremost champions of the puritan party, and exercised their powers of oratory against the received government of the Church; and not only so, but the first of those gentlemen was so zealous in the cause, that he put himself to the pains of writing two letters [s], one of extreme prolixity, to the lord treasurer on the subject. Still the rights of the Church were not without supporters; Mr. Dalton [t], a very learned civilian, Dr. Lewen [u], and Sir John Wolley [v], the queen's secretary, speaking to much purpose against the bill introduced by Mr. Morrice. Mr. Dalton took notice that this bill suggested dangers which did not really exist, that garrulity might conjure up mountains out of molehills; and he moreover drew a very just and patent distinction, which appears however to have escaped the notice of his opponents,

[o] Strype's Whitgift, p. 387.

[p] Strype's Whitgift, p. 387.
[q] Strype's Whitgift, p. 386.
[r] Strype's Whitgift, p. 391.
[s] Strype's Whitgift, pp. 387-9.

[t] Strype's Whitgift, p. 387.
[u] Strype's Whitgift, p. 389.
[v] Strype's Whitgift, p. 387.

between government ecclesiastical and temporal. He concluded by expressing a backwardness to stir matters which her majesty had expressly forbidden that house in the first instance to meddle with. As for Sir John Wolley[w], he drove straight to the point, and opposed the whole proceeding as being in contravention of her majesty's express directions, and these two gentlemen being reinforced in their arguments by Sir Robert Cecil, the bill was not received by the house, but left in the hands of the speaker, who explained his position in this affair thus plainly to the members: "Upon my allegiance I am commanded, if any such bill be exhibited, not to read it." And thus this counsel, as it deserved, for the present came to nought.

A.D. 1593. Q. Eliz.

[w] Strype's Whitgift, p. 397.

Canterbury provincial Synod of 1593 N.S.

As nothing appears on the records of the northern[x] convocation now assembled, except the grant of their subsidy, we may pass at once to the business transacted in the southern provincial synod[y], which, as was said, met at S. Paul's cathedral on the 20th of Feb. 1593 N.S.

[x] Conc. Mag. Brit. iv. 345.

[y] Conc. Mag. Brit. iv. 343. Card. Syn. ii. 577. Strype's Whitgift, 397. Coll. vii. 166.

Andrews' sermon.

The sermon was preached by the archbishop's chaplain, Dr. Andrews, so highly renowned for his eloquence in the pulpit. His text was taken from Acts xx. 28, "Take heed therefore unto yourselves, and to all the flock, over the which the Holy Ghost hath made you overseers, to feed the Church of God, which He hath purchased with his own blood." The reverend preacher divided his discourse[z] into three heads: 1st, he spoke on the meaning of the words "take heed;" 2ndly, he shewed how extensive was this duty; and 3rdly, how diligently it ought to be practised. He prayed that the assembly might not be merely the ghost of a synod, in which nothing beyond the business of a subsidy should be transacted, and the members be then discharged, but that heed should be taken for the good of the flock, and that the shearing of them should not occupy all the attention. He complained that many turned theology into a war of words, and the Church to a mere house of gossip; so that from the more mysterious doctrines being strangely omitted in preaching the science of divinity did as it were uplift her hands in supplication for the remedy of such neglects. He reminded those who would readily interpret his meaning that any mismanagement on the part of a bishop was hailed as a triumph in

[z] Strype's Whitgift, p. 397, and App. No. xiv.

A.D. 1593. Archbps., John Whitgift, John Piers.

Askelon. On[a] the other hand the preacher took notice that some bishops were over rigid in their demeanour, and insufficiently furnished with the graces becoming their office. "Unless ye," said he, "take heed to the flock, the flock will take heed of you, of which event late examples have been seen. The people in very truth[4] is attending to you. What, 'Simon[b], sleepest thou' while Judas is wakeful? Ye[c] are called to be bishops by the Holy Ghost only. That is your character. And your flock, if it hath not golden fleeces, has souls of worth inestimable. The Holy Ghost is the common guardian, guide, and head of us all, and if any man by steps of ambition or access of bribery has entered into the sheepfold, no wonder if such an one neither takes heed to the flock nor the flock to him. Surely, in such case, money is treated with higher regard than virtue. Your ecclesiastical courts are your proper care, your visitations the right means for taking heed. Approaching your Church in this synod, and seeing her lying stripped and wounded, will you, like the priest in the gospel, 'pass[d] by on the other side?' Surely the poet's words, 'Money should be first sought,' are a prophetic warning to the clergy. For if with them piety and virtue are not the first objects of desire, better that those qualities were indefinitely postponed, or altogether disregarded. Take heed, moreover, I will not say to the heretics and schismatics, but to those ungodly opponents with whom we have to wage a fight terrible as that of S. Paul at Ephesus, men who despise ecclesiastical authority, and of whose obedience I despair. Take heed to those Jesuits who have deserted from your company. Take heed to those unquiet and disturbed spirits, who would ever impose laws upon the Church, but never themselves practise obedience. Take heed to your discipline, purify your remedies, or the bulwarks of Zion will be transformed into a tower of Babel. Our present discipline does but loosen the purse-strings, and greater heed is taken to the produce of the flock than to the pastoral care, to worldly emolument than to Christ our Lord. The tremendous denunciation of God's anger is prostituted if our aims are unworthily directed, and the vulgar crowd is thus encouraged to treat the censures of the Church with a sneer."

[a] Head 2.

[b] Mark xiv. 37.

[c] Head 3.

[d] Luke x. 31.

[4] Ironically said of the parliamentary interference in matters ecclesiastical.

A.D. 1593. Q. Eliz.

Temporal business transacted.

In this synod a grant of two subsidies to the queen was agreed to [e] in both houses, and then the assembly proceeded to ecclesiastical business.

[e] Strype's Whitgift, p. 397.

Ecclesiastical business transacted.

Two papers [f] were brought before the synod; one of questions and answers relative to the subject of marriage within the degrees of affinity, a subject afterwards settled definitively by the ninety-ninth canon of 1603-4. The other paper contained orders to which the bishops had agreed, and which were directed to secure a more ready execution of the ecclesiastical laws, so as to repress disorders. This measure was probably taken as a means of preventing any just causes of complaint on the part of that clamorous party in parliament now so ready to bring accusations against the clergy.

[f] Strype's Whitgift, p. 398.

An address to the lord treasurer from this synod.

From this synod also [g] an address was directed to the lord treasurer, signed by certain deans and prebendaries of the cathedrals of the new foundations. For some ill-disposed persons had vexatiously pretended that much of the revenues of those establishments was derived from "concealed lands," and therefore legally belonged to the crown. Archbishop Whitgift had endeavoured to check such aggressions upon the clergy's property, and had so far prevailed with the lord treasurer, that he had represented to the queen the injustice of any attempts to spoil those religious foundations which had been established by her father and brother. Being thus encouraged by the interference of the archbishop and the lord before mentioned, a letter on the subject was addressed to the latter from the convocation-house [h], and was signed by fourteen of those clergymen [5] who were chiefly interested in its contents.

[g] Conc. Mag. Brit. iv. 343. Card. Syn. ii. 577. Strype's Whitgift, p. 398.

[h] March 16, 1593 N.S.

The letter set forth that property had passed away from divers cathedral and collegiate churches for very slender considerations, so that the revenues were wastefully diverted from pious uses; and as the subscribers had learnt that his lordship had a due regard for such institutions, and had gone so far as to testify it in her majesty's presence, and moreover

[5] W. James, Gabriel Goodman, Humphrey Tyndal, Martin Heton, Thomas Nevyle, Will. Redman, Philip Bisse, Tho. White, Hadrianus Saravia, John Freake, Jo. Pratt, P. Williams, Will. Wilson, Thomas Monforde.—Conc. Mag. Brit. iv. 344.

A.D. 1593. Archbps., John Whitgift, John Piers.

had graciously received their own remonstrances on the subject, they thought it their duty to thank him for his good offices, and to desire at the same time that by his mediation a confirmation of the grants made to the religious foundations which they represented might be ratified. They urged further that such a course would redound to the glory of God, to her majesty's as well as to his lordship's honour, and would, moreover, promote learning, and secure to the petitioners and others quiet homes. Thus they committed their cause to his lordship, beseeched God to bless him, and so took their leave.

The two provincial synods dissolved.

This synod continued its sessions till the month of April, when the usual penalties having been denounced against those members who had absented themselves without leave, the assembly was dissolved by Archbishop Whitgift in person on the eleventh[i] of that month[j], the northern synod continuing in existence[k] for nine days longer.

[i] 1593.

[j] Conc. Mag. Brit. iv. 343. Strype's Whitgift, p. 397.

[k] Conc. Mag. Brit. iv. 345.

XVI. Provincial synods of 1597.

The two provincial synods[l] met simultaneously on the 25th day of October, 1597.

Parliamentary interference in Church matters does not pass with an easy motion.

The parliament had now become somewhat weary of making open assaults upon the Church, their sallies[m] against the forms and usages of public worship having proved of late eminently unsuccessful. Indeed the opposition of the archbishop and of the queen herself to their operations had checked progress in this direction, and these circumstances hung so heavy a weight upon the parliamentary managements as to prevent them from passing with an easy motion, and in truth sunk them to the bottom of discomfiture. In consequence of these failures the parliament, despairing of success in the open field, approached by means of undermining the outworks, and struck[n] at the jurisdiction and practices of the spiritual courts. And, besides all this, an array of grievances[o] said to exist in the Church would have been paraded before the commons, and exhibited in bills brought in by private members, had it not been for the exertion of power in higher quarters; but these were not even read, and so were stifled in their birth.

[l] A.D. 1597. Conc. Mag. Brit. iv. 352-7. Card. Syn. ii. 579. Coll. vii. 233. Strype's Whitgift, p. 510. Wake's State, p. 505.

[m] Strype's Whitgift, p. 508.

[n] Strype's Whitgift, p. 508.

[o] Strype's Whitgift, p. 509.

Canterbury provincial Synod of 1597.

We have no records of the proceedings of the York provincial Synod[p] now held under the presidency of Archbishop Matthew Hutton be-

[p] Conc. Mag. Brit. iv. 357.

yond the business connected with their subsidy, but in the southern synod, which was opened on this occasion with the usual [q] solemnities, many important affairs of an ecclesiastical character were transacted. A.D. 1597. Q. Eliz.

[q] Conc. Mag. Brit. iv. 352. Card. Syn. ii. 579.

Mischievous practice of returning ex officio members as proctors reproved by Archbishop Whitgift.

It may here be remarked by the way that a very mischievous practice had grown up in some dioceses, by which the number of the members attending in the southern provincial synod was diminished. It seems that in several cases deans and archdeacons had been returned as proctors for the clergy; but if persons who were members ex officio were also to hold the offices of elected members as well as their own, it is clear that the assembly would be deprived of its just proportions. To check this abuse Archbishop Whitgift, shortly after [r] the publication of his mandate for this synod, ordered a notice to be issued relative to the elections, in which he required his suffragans to premonish the clergy "that no dean or archdeacon be chosen proctor for the clergy."

[r] Wake's State, p. 505.

Schedules of reformanda introduced.

In the fourth session [s] of this synod the archbishop summoned the prolocutor [t] and the clergy to the upper house, and laid before them a schedule of disorders in the Church. This schedule [u] referred to—1. ministers' excessive apparel; 2. prebendaries' neglects in cathedrals; 3. disorderly marriages; 4. divorces slightly passed; 5. multitude of somners; 6. convening men by information of somners without due presentments by churchwardens; 7. somners farming their places; 8. an inquiry into the number of somners heretofore, and how many there should be in each diocese.

[s] Nov. 18.

[t] Conc. Mag. Brit. iv. 352. Card. Syn. ii. 579.

[u] Ibid. and ibid.

On the same day [v] a schedule was brought in by the Bishop [w] of Bath and Wells, with a view to establish a more correct method of keeping the register-books of baptisms, marriages, and burials. The tenour of this schedule was that injunctions [x] on this subject already given, or hereafter to be set forth in visitation, should be accurately observed—that [y] the registers should be of parchment, the entries fairly written, and their accuracy certified at the visitation—that [z] the register-book should be kept in the church chest under three keys, one belonging to the minister and one to each of the churchwardens, and that all entries made in it each week should be read

[v] Sess. 4, Nov. 18.

[w] Strype's Whitgift, p. 510.

[x] Item 1.

[y] Item 2.

[z] Item 3.

A.D. 1597. Archbps., John Whitgift, Matthew Hutton.

publicly in the church on the following Sunday after morning and evening prayer—that[a] a true copy of the book aforesaid should be sent from every parish yearly to the consistory court of the bishop, where a book was to be kept for recording the same—that[b] the contents of old decayed paper books containing parish entries should be fairly written into the new parchment book, and that great care should be taken to secure accuracy in the transcription—that[c] in order to prevent any tampering with the contents of the new register-book the resident parson, or in his absence the curate of the parish, together with both churchwardens, should subscribe their names to every separate page.

[a] Item 4.
[b] Item 5.
[c] Item 6.

Marriage licences.

On account of an endeavour which had been made in parliament[d] to deprive the bishops' courts of the power of granting marriage licences, reasons[e] were offered by this synod in order to shew that the received usage in that respect was not exceptionable, as had been represented, and that solid advantages were derived from it to the public in divers instances.

[d] Strype's Whitgift, p. 512.
[e] Strype's Whitgift, App. No. 47.

Draft of ordinances to be allowed by the queen.

A draft[f] of ordinances to be allowed by the queen was it seems drawn for the consideration of this synod, probably by Archbishop Whitgift. They had reference to the management of the ecclesiastical courts, and specially to cases of collision between ecclesiastical and civil tribunals, and were arranged under distinct titles, which run to the number of twenty-six; but whether they were definitively assented to by the synod or not is uncertain.

[f] Strype's Whitgift, p. 512.

Constitutions of 1597.

The chief business, however, of this synod was the definitive enactment[g] of twelve constitutions. They ran to a considerable length. But the following heads will give a sufficient idea of their contents, which were directed to very good and desirable objects, and were of the tenour following: 1. that fit men be admitted to holy orders and ecclesiastical benefices; 2. of restraining the plurality of benefices; 3. that those who were beneficed should exercise hospitality; 4. that deans and canons should preach in their turns in cathedrals; 5. on the restraint of marriage licences; 6. of not lightly pronouncing sentences of divorce; 7. of reforming excesses about excommunication; 8. of publicly de-

[g] Conc. Mag. Brit. iv. 352-6, and Card. Syn. 147. 161.

nouncing recusants and excommunicate persons; 9. of moderating the commutation of solemn penance; 10. of fees due to ecclesiastical officers; 11. of reforming the excesses of apparitors; 12. of committing to safe keeping the registers in churches. And to these was, moreover, appended [h] a form in which marriage licences were in future to be granted.

A.D. 1598. Q. Eliz.

[h] Card. Syn. p. 161.

These constitutions [i] having been synodically ratified, were confirmed by the queen's letters patent [j], which were exhibited by the archbishop [k] himself in the synod in the twenty-third session [l]. As regards their contents generally, it is clear that some of their regulations were founded upon the [ll] canons of 1584, and that another was in accordance with the [m] schedule brought in by the Bishop of Bath and Wells at the fourth session of the present synod. This assembly, having been continued through twenty-eight sessions, was dissolved on the 10th of February, 1598 N.S.

[i] Sparrow's Coll. p. 245.
[j] Att. Rights, App. p. 601.
[k] Card. Syn. ii. 580.
[l] Jan. 25, 1598 N.S.
[ll] Sup. p. 590.
[m] Sup. pp. 611-12.

XVII. Provincial synods of 1601.

The last provincial synods held during this reign met in October, 1601. The Canterbury Synod assembled [mm] on the 18th, and the York Synod on the 28th [n] of that month. But as no ecclesiastical business is recorded in the proceedings of the latter, we may pass to the consideration of the history of the southern assembly.

A.D. 1601.

[mm] Conc. Mag. Brit. iv. 363.
[n] Conc. Mag. Brit. iv. 364.

Canterbury provincial Synod.

The Canterbury Synod met at S. Paul's cathedral, and the usual service was performed, Dr. William [o] Barlow, one of her majesty's chaplains, afterwards Bishop of Rochester, and more lately Bishop of Lincoln, officiating as preacher. His sermon was upon this text, "Occupy [p] till I come."

[o] Fuller, Ch. Hist. b. x. p. 1.
[p] S. Luke xix. 13.

Dr. Matthew Sutcliffe prolocutor.

The gentleman chosen as prolocutor of the lower house was Matthew [q] Sutcliffe, LL.D., dean of Exeter.

[q] Fuller, Ch. Hist. b. x. p. 2.

Synodical business.

In the fifth and sixth [r] sessions a grant of four subsidies was made and formally ratified. No constitutions were now enacted. The assembly, however, was continued through eighteen sessions; and before the separation of the members Archbishop Whitgift directed [s] that the canons made in 1597-8 should be carefully observed, and exhorted the bishops to be diligent in discharge of their duty. He particularly [t] cautioned them on the following [u] subjects:

[r] Strype's Whitgift, p. 547.
[s] Sess. 18, Dec. 21.
[t] Conc. Mag. Brit. iv. 363. Card. Syn. ii. 583.
[u] Strype's Whitgift, p. 547. Coll. vii. 251.

A.D. 1601. Archbps., John Whitgift, Matthew Hutton.

1. not to proceed in court upon apparitor's promoting, without churchwarden's presentment or other just inquisition; 2. to take order that ecclesiastical judges hold not too frequent courts, nor oftener than once in five weeks; 3. that chancellors and officials call not men to several courts for the same fault; 4. to have yearly but once, not quarterly bills of presentments; 5. to take care that the curates of non-residents be able persons and have good allowances; 6. and that none but chancellors grant licences for marriage.

Such prudence did this archbishop shew in his management of ecclesiastical jurisdiction, and in the measures which he took to silence the clamours and disable the attacks of that increasing party in parliament and elsewhere which was ill-disposed towards the Church and clergy.

The synod dissolved.

On the 21st of December[v] this synod, having sat through eighteen sessions, was dissolved[w]; being the last which assembled under the presidency of Archbishop Whitgift or during the reign of Q. Elizabeth.

[v] 1601.

[w] Conc. Mag. Brit. iv. 363. Card. Syn. ii. 583.

XVIII. Death of Q. Elizabeth.

That monarch's soul[x] passed into the other world on the 24th of March, 1603 N.S. Archbishop Whitgift attended her in her last moments, and desired her majesty, as became a Christian, to divest her mind of secular considerations, which the courtiers[y] were very inopportunely suggesting, and bid her fix her thoughts upon God. To such seasonable advice she answered that she did so, and that her thoughts did not wander from God. As a sign that this was truly the case, she lifted up her hands and eyes towards heaven, and shortly after her spirit returned to Him who gave it.

A. D. 1603.

[x] Hume, c. xlv. p. 490. Strype's Whitgift, p. 558.

[y] Hume, c. xlv. p. 490.

XIX. Accession of K. James I.

Upon the head[z] of her successor, K. James I., Archbishop Whitgift placed the crown of England on the 25th of July, 1603. This king was well disposed towards bringing the ecclesiastical law of England into a definite and compendious code. He also desired that a conference should be held between the representatives of various opinions in religion, vainly expecting that some harmonious agreement might ensue between the rulers of the English Church and the Presbyterian schismatics, and also hoping that matters connected with the ecclesiastical state generally might be placed on a satisfactory footing. Such

[z] Strype's Whitgift, p. 559.

was the origin of the Hampton Court[a] conference; but as this assembly does not fall within the scope of our present inquiry, it must suffice thus to mention it only. In consequence of the proceedings which there took place no satisfactory conclusions were arrived at: nor, indeed, could any happy issue have been reasonably expected.

A. D. 1603. K. James I.

[a] Strype's Whitgift, p. 571-6. Coll. vii. 271—300.

XX. Death of Archbishop Whitgift.

Before the assembly of the next provincial synods in England Archbishop Whitgift was no more. Going in his barge to Fulham to meet some of his suffragans and judges of his courts, in order to consult on ecclesiastical affairs, he caught a cold from which he never recovered. When on his death-bed it is said that these words expressed his readiness to depart: "Now[b], O Lord, my soul is lifted up, that I die in a time wherein I had rather give up to God an account of my bishopric than any longer to exercise it among men." The archbishop gradually and peacefully sunk to his rest on the 29th of February, 1604 N.S.; his last expressions[c] intimating that which lay nearest to his heart, as from his expiring lips these words were heard,—

[b] Strype's Whitgift, p. 578.

[c] Strype's Whitgift, p. 578.

"Pro Ecclesiâ Dei."

CHAPTER XIV.

ENGLISH SYNODS.

FROM THE DEATH OF ARCHBISHOP JOHN WHITGIFT TO THE IMPRISONMENT OF ARCHBISHOP WILLIAM LAUD, FEB. 29, 1604 N.S.—DEC. 18, 1640.

SUMMARY.

I. Unsatisfactory state of the canon law in England—A new code of ecclesiastical law established by synodical authority on the accession of K. James I. II. Provincial synods of 1604 N.S.—Canterbury Synod—Dr. Ravis prolocutor—Sundry heads of synodical business—Puritanical endeavours against the Prayer Book—Thirty-nine articles of religion again ratified—Debate on the sign of the cross in baptism—Convocational privilege of freedom from arrest—The book "Limbo-Mastix" brought under notice of the synod—Motion on the oath against simony—Canons of 1603-4—Ecclesiastical authority of the canons of 1603-4—Civil authority of the canons of 1603-4. Opinions of learned judges on this subject—Commonly received notion of the obligation of the canons and canon law—Revised Prayer Book of this reign sanctioned synodically. III. Parliament of 1604 N.S. IV. Accession of Archbishop Richard Bancroft. V. Provincial synods of November, 1605—1. Canterbury Synod—"Articuli cleri" exhibited against the common law judges—Sir E. Coke magnifies the replies of those learned persons unreasonably—Overall's convocation book—How far synodically sanctioned—Never received civil sanction—Sundry heads of synodical business—2. York Synod—Royal licence for enacting canons sent to the synod—On account of Archbishop Hutton's death, Dr. Thornborough, Bishop of Bristol, elected president—Dr. William Goodwin prolocutor—Canons of 1604 sanctioned by the northern synod—How far Overall's convocation book was sanctioned by this synod. VI. Provincial synods of November, 1606—1. Canterbury Synod—2. York Synod—Tobias Matthews, their new metropolitan, somewhat of his character. VII. Provincial synods of Feb. 1610 N.S.—1. Canterbury Synod—Dr. Morton preacher—Sundry heads of synodical business—Crashaw convened for his book. Some account of it—Draft of an act touching the election of clergy proctors—Sundry heads of synodical business, and death of Archbishop Bancroft—2. York Synod. VIII. Accession of Archbishop George Abbot to the see of Canterbury, and somewhat of his character. IX. Provincial synods of April, 1614—Liberality of the English prelates in aiding the king. X. Provincial synods of Jan. 1621 N.S. XI. Provincial synods of Feb. 1624 N.S.—1. Canterbury Synod. Dr. Hall preacher, Dr. Donne prolocutor—Proposal for investigation of books and MSS. in Cathedral and university libraries—2. York Synod. XII. Death of K. James I., and accession of K. Charles I. XIII. Provincial synods of 1625—Canterbury Synod—Dr. John Bowles prolocutor—Canterbury Synod removed to Oxford

—Dr. James's motion for an investigation of MSS. &c.—A party in this synod leaning towards Calvinism. XIV. Provincial synods of 1626 N.S.—1. Canterbury Synod—Dr. Donne prolocutor again—Bishop Goodman's sermon—2. York Synod—Debate on the subject of proxies. XV. Provincial synods of 1628 N.S.—1. York Synod, Archbishop Matthews dies—2. Canterbury Synod—Dr. Winniff preacher—Bishops appointed to preside in place of Archbishop Abbot under suspension—Dr. Curle prolocutor—But little synodical business done. XVI. Accession of Archbishop Samuel Harsnet to the see of York. XVII. York provincial Synod. XVIII. House of Commons affects synodical functions—Mr. Pym vouches the Lambeth articles for the doctrine of the Church of England—Such proceedings of dangerous consequence. XIX. Death of Archbishop Abbot and accession of Archbishop Laud to the see of Canterbury—Somewhat of the latter prelate's character. XX. Intermission of synods and parliaments in England. XXI. Provincial synods of April 1640-1. Canterbury Synod—Dr. Turner's sermon—Formal business transacted—Dr. Richard Steward prolocutor—Confirmation of the prolocutor—Archbishop Laud's speech introducing royal licence to enact canons—Sundry heads of synodical business—Question arises whether on a dissolution of parliament the provincial synods are dissolved as a matter of course—This question determined in the negative by members of the learned profession—A second royal licence to enact canons issued—Riotous mob threaten in vain Lambeth palace and the convocation-house—The synod again settles to business—The king desires the synod to proceed with energy—Sundry heads of business transacted—The seventeen canons of 1640—Some opposition to them in the upper house—Some heats in the lower house—The Archdeacon of Huntingdon misbehaves himself remarkably—The seventeen canons of 1640 concluded in the synod—Bishop Goodman subscribes reluctantly—The synod dissolved—2. York Synod—Second royal licence to enact canons received—Dr. Wickam prolocutor—Seventeen canons of 1640 ratified by this synod—The synod dissolved. XXII. The seventeen canons of 1640 confirmed by royal letters patent—Popular outcry against these canons—The sixth canon specially disliked as containing an &c. in the oath enjoined—This matter explained. XXIII. Canterbury Synod of November 1640—Dr. Bargrave preacher—Dr. Steward prolocutor—Mr. Warmistre's essay against the seventeen canons lately enacted—Sundry heads of synodical business—This synod ended amid confusions of Church and State. XXIV. Parliament of November, 1640—House of Commons attacks the acts of the late provincial synods—Passes resolutions against the seventeen canons—But the House of Commons here pressed somewhat hard upon the English constitution of that age—The canons of 1640 stand on the same footing as those of 1604. XXV. Imprisonment of Archbishop Laud.

Στάντες γ' ἐς ὀρθὸν καὶ πεσόντες ὕστερον.—Sovh. *Æd. Tyr.* 50.

"Ambiguâ sed lege loci jacet invia sedes.

. . . . . .

Sic male deseruit, nullosque exegit in usus
Hanc partem."—Luc. *Phars.* ix. 307. 310-11.

I. Unsatisfactory state of the canon law in England.

A.D. 1604. K. James I.

The ambiguous and unsatisfactory state, in which the canon law of England now stands, certainly demands consideration on the part of

A. D. 1604. Archbps., See of Cant. vacant. Matthew Hutton.

those who hold the chief places ecclesiastical and civil in this land. It is little creditable to the good sense of this nation that a code of laws (not to speak now of that part of the old papal law still binding[a] in accordance with the provisions of 25 Hen. VIII. c. 19) affecting a most important branch of

[a] Vid. sup. p. 366.

LIST OF ENGLISH SYNODS, A.D. 1604—1640.

Date. A. D.	Place.	Archbishop.	King.	Reference.	Nature of Assembly.
1604 N.S. Mar. 20	S. Paul's	See vacant	James I. ..	Conc. M. B. iv.378-9.Coll. vii. 310	Provincial Synod, with continuations through the following summer to July 9.
1604 N.S. Mar. 20	York	Matthew Hutton, Abp. of York	James I. ..	Ibid. 379	Provincial Synod, with continuations to July 6.
1605 N.S. Feb. 8	S. Paul's	Richard Bancroft, Abp. of Cant.	James I. ..	Ibid. 379. Strype's Ann. iv. 397	Provincial Synod, prorogued to Nov. 6.
1605 N.S. Feb. 8	.....	Matthew Hutton	James I. ..	Conc. M. B. iv. 379. 426	York Provincial Synod, prorogued to Nov. 9.
1605, Nov. 6	.....	Richard Bancroft	James I. ..	Ibid. 379. 412. 425. 429	Cant. Provincial Synod, with continuations to May 28, 1606.
1605, Nov. 9	York	Matthew Hutton (dies during these sessions)	James I. ..	Ibid. 379. 426. 429. Wake's State, p. 508	Provincial Synod, with continuations to June 3, 1606.
1606, Nov. 19	S. Paul's	Richard Bancroft	James I. ..	Conc. M. B. iv. 429. Strype's Ann. iv. 398	Provincial Synod, with continuations to Feb. 27, 1607 N.S.
1606, Nov. 19	.....	Tobias Matthews, Abp. of York	James I. ..	Conc. M. B. iv. 429. Wake's State, p. 509	York Provincial Synod, with continuations to July 20, 1607
1607, Nov. 17	.....	Tobias Matthews	James I. ..	Conc. M. B. iv. 433	York Provincial Synod.
1608 N.S. Feb. 11	.....	Tobias Matthews	James I. ..	Ibid. 433	York Provincial Synod.
1608, Oct. 28	.....	Tobias Matthews	James I. ..	Ibid. 437	York Provincial Synod.
1609 N.S. Feb. 10	.....	Tobias Matthews	James I. ..	Ibid. 437	York Provincial Synod.
1609, Nov. 10	.....	Tobias Matthews	James I. ..	Ibid. 444	York Provincial Synod.
1610 N.S. Feb. 10	.....	Richard Bancroft (dies during these sessions, Nov. 2, 1610)	James I. ..	Ibid. 429. 437, 438	Cant. Provincial Synod, with continuations to Feb. 11, 1611 N.S., then dissolved.
1610 N.S. Feb. 10	York	Tobias Matthews	James I. ..	Ibid. 444	Provincial Synod, with continuations to Feb. 11, 1611 N.S., then dissolved.
1614, April 6	S. Paul's	Geo. Abbot, Abp. of Cant.	James I. ..	Ibid. 445	Provincial Synod, with continuations to June 8, then dissolved.
1614, April 6	York	Tobias Matthews	James I. ..	Ibid. 445	Provincial Synod, dissolved June 15.
1621 N.S. Jan. 17	S. Paul's	Geo. Abbot	James I. ..	Ibid. 461	Provincial Synod, with continuations to Feb. 9, 1622, N.S., dissolved. [1621 N.S. Jan. 17

jurisprudence, embracing a large number of causes, and moreover occasionally engaging considerable attention on the part of the learned profession, should appear upon the national records in an amphibious character; no legal adviser, however deeply skilled in the mysteries of his calling, being in a con-

A.D. 1604. K. James I.

LIST OF ENGLISH SYNODS, A.D. 1604—1640—*continued.*

Date. A.D.	Place.	Archbishop.	King.	Reference.	Nature of Assembly.
1621 N.S. Jan. 17	York	Tobias Matthews	James I. ..	Conc. M. B. iv. 461	Provincial Synod, with continuations to Feb. 27, 1622 N.S., dissolved.
1624 N.S. Feb. 13	.....	Geo. Abbot	James I. ..	Ibid. 467-69	Provincial Synod, with continuations to May 28.
1624 N.S. Feb. 13	York	Tobias Matthews	James I. ..	Ibid. 467-69	Provincial Synod, with continuations to Feb. 17, 1625 N.S.
1625 N.S. Mar. 16	.....	Geo. Abbot	James I. ..	Ibid. 468	Cant. Provincial Synod.
1625, May 18	.....	Tobias Matthews	Charles I...	Ibid. 470	York Provincial Synod, with continuations to June 20.
1625, June 20	S. Paul's	Geo. Abbot	Charles I...	Ibid. 469	Provincial Synod, with continuations to July 12.
1625, Aug. 2	Christ Church and Merton Chapel, Oxford	Geo. Abbot	Charles I...	Ibid. 469	Cant. Provincial Synod, with continuations to August 13
1626 N.S. Feb. 7	Westminster Abbey	Geo. Abbot	Charles I...	Ibid. 469-71	Provincial Synod, with seventeen continuations to June 16, 1626.
1626 N.S. Feb. 7	.....	Tobias Matthews	Charles I...	Ibid. 470-71..	York Provincial Synod, with continuations to June 28, 1626.
1628 N.S. Feb. 18	.....	Tobias Matthews (dies during these sessions, Mar. 1628 N.S.)	Charles I...	Ibid. 473. 476	York Provincial Synod, with continuations to October 21, 1628.
1628 N.S. Mar. 18	S. Paul's	Geo. Abbot, (died Aug. 4, 1633)	Charles I...	Ibid. 473. 476	Provincial Synod, with continuations to Mar. 11, 1629 N.S.
1629 N.S. Feb. 10	.....	Samuel Harsnet, Abp. of York	Charles I...	Ibid. 476	York Provincial Synod, with continuations to Mar. 22, 1629 N.S.
1640, April 14	S. Paul's	William Laud, Abp. of Cant.	Charles I...	Ibid. 538. 541-3. Card. Syn. ii. 593	Provincial Synod, with twenty-five continuations to May 29.
1640, April 14	York	Richard Neile, Abp. of York, (died Nov. 1640)	Charles I...	Conc. M. B. iv. 543. 553. Cyp. Ang. Lib. v. p. 7	Provincial Synod, with five continuations to June 26.
1640, Nov. 4	S. Paul's	William Laud, (Martyr, Jan. 10, 1644)	Charles I...	Ibid. iv. 542. Cyp. Ang. Lib. v. 1 & 51	Provincial Synod, with continuations to Feb. 9, 1641 N.S.

A.D 1604. Archbps., See of Cant. vacant. Matthew Hutton.

dition precisely to foretell in every case how far that code would be enforced by executive authority, and how far it would not.

A new code of ecclesiastical law established by synodical authority on the accession of K. James I.

The point of our synodical history at which we have now arrived naturally draws attention to the foregoing subject. In the last chapter we have seen that ecclesiastical constitutions and canons were often enacted synodically, as for instance in 1571 and 1597-8, for the government of the affairs of the Church; and indeed ever since the discharge of the papal supremacy such constitutions, having been authorized by the provincial synods, were issued from time to time under royal authority, in order to their being enforced by civil sanctions. It is, however, observable that the canons and constitutions published in the reign of Q. Elizabeth were confirmed [aa] only for her majesty's life. Hence on the accession of K. James I. a necessity was entailed upon our provincial synods of proceeding to frame a code of ecclesiastical law afresh for Church government. This new code was taken out of the canons, constitutions, and injunctions which had been issued [b] in the reigns of K. Henry VIII., K. Edward VI., and Q. Elizabeth. But though the late queen had only confirmed the canons passed in her reign for the term of her natural life, that code which we are about to consider was ratified by K. James I. for himself, "his heirs [c], and lawful successors," "according [d] to the form of the statute 25 Hen. VIII. c. 19," so that the present obligation [1] of these canons would seem to stand on somewhat firmer footing than some would [e] have us believe. At least this is a nice point for the members of the learned profession to decide, viz. how far in category of time a royal proclamation will extend when founded on an act of parliament.

From the fact that the constitutions made in the last reign had been ratified for the queen's natural life only, it was no more than necessary, as was said above, that a fresh code should be now synodically framed at the earliest moment pos-

[aa] Gibson's Codex, note, p. 994.

[b] Gibson's Codex, note, p. 994.

[c] See Royal Ratification, apud Gib. Cod. p. 994.

[d] See Royal Ratification, apud Gib. Cod. p. 994.

[e] See below, Lord Hardwicke's judgment, and Sir W. Blackstone's assertion, p. 627.

[1] In the 30th of K. Charles II. the Court of King's Bench decided that the canons of 1604 "are good by statute (25 Hen. VIII. c. 19) so long as they do not impugn the common law or the prerogative royal;" and by Vaughan, "a lawful canon is the law of the kingdom as well as an act of parliament."—Gibs. Cod. p. 995

A.D. 1604. K. James I.

sible, and so prepared for the new monarch's signature. Indeed so pressing was this business that the Synod of Canterbury proceeded with it, as we shall see, almost immediately after the death of Archbishop Whitgift, and before another metropolitan was appointed.

II. Provincial synods of 1604 N.S.

The two provincial synods were summoned to meet at S. Paul's[f] cathedral and at York respectively[g] on the 20th of March, 1604 N.S. But since no records of ecclesiastical business as transacted at York remain, we will proceed at once to the consideration of the acts of the southern synod.

[f] Conc. Mag. Brit. iv. 378.
[g] Conc. Mag. Brit. iv. 379.

Canterbury Synod.

The[h] Canterbury Synod assembled on the day appointed. This synod is said, by a learned[i] historian, to have been "shot between the joints of the armour in the interval after Whitgift's[j] death, and before Bancroft's removal[k] to Canterbury." And this being the case a royal writ was directed to the dean[l] and chapter of Canterbury, as guardians of the spiritualties during the vacancy of the see, directing them to convene the provincial synod. On the first day of assembly there being, I presume, no sermon, as the appointment of the preacher always resides with the metropolitan, the names[m] of the members were called over and then the royal writ[n] was read; and also the commission[o] given by the dean and chapter of Canterbury to Richard Bancroft, bishop of London, empowering him to preside in the synod.

[h] Conc. Mag. Brit. iv. 378. Coll. vii. 310. Strype's Ann. iv. 396. Warner ii. 487, and Wake's State, p. 507.
[i] Fuller, Ch. Hist. b. x. p. 28.
[j] Feb. 29, 1604 N.S.
[k] Dec. 4, 1604. Coll. vii. 311.
[l] Conc. Mag. Brit. iv. 378.
[m] Conc. Mag. Brit. iv. 378.
[n] Conc. Mag. Brit. iv. 378.
[o] Conc. Mag. Brit. iv. 378.

Dr. Ravis prolocutor.

In the election of their prolocutor the choice of the clergy fell on Dr. Ravis, who was presented to the bishops and confirmed in his office on the 23rd[p] of March.

[p] Sess. 2.

Sundry heads of synodical business.

The most important act of this synod was the enactment of the canons of 1603-4. This whole subject, however, as requiring the chief consideration, shall be left to the last; and we will first glance at the other matters which occupied the assembly, taking them in the order of time as they occurred. Letters[q] were received by the synod from the king, who desired[r] that a collection should be hastened for the relief of the town of Geneva. A committee[s] of bishops was appointed by Bishop Bancroft[t], the president, to confer with the speaker and other

[q] Sess. 3, March 30.
[r] Strype's Ann. iv. 396.
[s] Sess. 5, April 13.
[t] Strype's Ann. iv. 396, and Card. Syn. 584, note, cites Tanner, MSS. vol. cclxxxii. fol. 37.

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members of the House of Commons in reference to complaints before them which had been brought against the clergy; and also to inform the speaker and the lower house of grievances inflicted upon the clergy by the laity. This proceeding, however, appears to have secured no favourable issue, for the House of Commons refused the consultation, and put up a complaint on the subject to the House of Lords, both which facts were shortly after imparted to the lower house[u] of convocation by the president. In the meanwhile Bishop Bancroft, whose presence in the House of Lords must have been highly needful under the circumstances, had substituted[w] a commission[2] to preside for him in the synod in case of need.

[u] Sess. 7, April 18.

[w] Sess. 5, April 13.

Puritanical endeavours against the Prayer Book.

That troublesome party which in the last reign, as we have seen, strove to imbue the nation with puritanical principles, by taking exception against Church government, by opposing the doctrines of the Book of Common Prayer, and by urging members of the House of Commons to promote such sectarian views in that assembly, was still exercising itself busily in mischief. But having been discomfited by Q. Elizabeth's very wise determinations to disallow the conversion of the lower house of parliament into a self-constituted synod, and to forbid the clashing of spiritual weapons upon such an arena, this party now had recourse to other means of attack, and made their approaches under cover at least of more reasonable applications. The leaders of the forlorn hope on this occasion were Egerton, a gentleman whose managements in the[x] last reign were not unexceptionable, Fleetwood[y], Wotton, and Clark. These with others prepared a petition to the Canterbury Synod for the reformation[z] of the Book of Common Prayer; and the document was[a] presented to the lower house of convocation in presence of the petitioners. Their enterprise, however, again miscarried, for the sole event of it was an admonition[b], from the president of the synod and the bishops, to the petitioners, which directed that they, together with their adherents, should be obe-

[x] See chap. xiii. p. 603.

[y] Strype's Ann. iv. 396.

[z] Strype's Ann. iv. 396.

[a] Sess. 11, May 2.

[b] Strype's Ann. ut sup.

[2] Bishops of Winton, Lincoln, Worcester, Bath, Chichester, Exeter, Ely, Peterborough, Hereford, Norwich, Dean Overall, and Dr. Stanhope, vicar-general.—Strype's Ann. iv. 396.

dient, and conform before the ensuing feast of S. John the Baptist [c].

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[c] June 24.

Thirty-nine articles of religion again ratified.

In this synod the thirty-nine articles of religion, having been read [d] and subscribed by both houses, were again ratified, as had been the case [dd] in 1563 and 1571: and an order was made that the document with the subscriptions now appended should be kept by the president Bishop Bancroft.

[d] Strype's Ann. iv. 397.

[dd] Vid. sup. p. 559 and 572-3.

Debate on the sign of the cross in baptism.

A debate also took place [e] among the members, probably with reference to the thirtieth of the canons now under the consideration of the synod, on the subject of the cross [f] in baptism, that sign of holy power which marks our enrolment under the banner of the heavenly King; but one which seems, notwithstanding, on this occasion as well as on others, to have been a cause of offence to such as are ashamed [g], I will not say to confess the faith of Christ crucified, but at any rate to honour the very significant emblem of our Saviour's passion.

[e] Sess. 17, May 23.

[f] Strype's Ann. ut sup.

[g] See Can. 30.

Convocational privilege of freedom from arrest.

At [h] this time, also, the convocational privilege of freedom from arrest was claimed [i] and allowed; but this subject has been once for all treated [j] before, and may here be dismissed.

[h] Sess. 19, May 30, Sess. 21, and Sess. 32, June 24.

[i] Strype's Ann. iv. 397.

[j] Vid. chap. xiii. sec. ix. pp. 756 et seq.

The book "Limbo-Mastix" brought under notice of the synod.

A controversy [k], which had been conducted in the time of Archbishop Whitgift by Hugh Broughton, Bishop Bilson, and others, was at this time revived. The subject of it was the nature of Christ's descent into hell. This mysterious doctrine was now treated of in an anonymous pamphlet, entitled "*Limbo-Mastix*," in which the writer undertook to prove "that Christ descended not in soul to hell to deliver the Fathers from thence." But not only did this writer thus exercise himself in matters which were too deep for him; he further thought fit to dedicate his performance to the parliament—an odd patron one would imagine for such a work—and then took leave to call "upon that body [l], in conjunction with his majesty, to reform the doctrine and discipline of the Church." The doctrinal part of this [m] anonymous production appears to have been managed in a highly exceptionable manner; its real intention, however, was to set up the parliament as a court of last resort, in matters spiritual, that so the desolation of the Church might be more

[k] Card. Syn. p. 584, note. See Art. 3 of 1552-3 as compared with Art. 3 of 1563, and supra, p. 561, note.

[l] Card. Syn. 584, note.

[m] Card. Syn. 585, note.

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readily effected. Consequently, among the gravamina in this synod, a complaint was very justly introduced[n] against this pernicious book, which was[o] committed to the judgment of the assembly.

[n] Sess. 24, June 13.
[o] Strype's Ann. iv. 397.

Motion on the oath against simony.

In this synod the subject of simony was also dealt with, and a motion[p] was made about framing an oath against that offence, to be taken by all persons presented to Church preferments. Bishop Rudde of S. David's, however, a man said to have been scrupulously conscientious and remarkably free from the fault in question, opposed the motion upon this ground, that it appeared unequal to impose such an oath upon the presented clerk only, and not upon the patron also. Upon his starting this objection, he was asked "whether[q] he would have the king to take that oath when he presented a bishop or dean." Hereupon Bishop Rudde sat down in silence, by which conduct it is not impossible that he meant to assent to the proposition suggested.

[p] Fuller, Ch. Hist. b. x. p. 28.
[q] Fuller, Ch. Hist. ut sup.

Canons of 1603-4.

From causes[qq] before specified it was essential that a fresh code of ecclesiastical laws should be ratified and promulgated on the accession of the present king. Consequently, on the 13th of April[r], Bancroft[s], bishop of London, as president, brought down to this synod the royal[ss] licence for the enactment of canons. And on the 2nd of May[t] he delivered to the prolocutor a book of constitutions, which were collected, it is said, by Bancroft himself out of[u] the articles, injunctions, and synodical acts previously passed and published, especial reference being had to the canons of 1571[uu] and 1597-8[v].

[qq] Vid. sup. p. 620.
[r] Sess. 5.
[s] Strype's Ann. iv. 396.
[ss] Vid. sup. pp. 367-8.
[t] Sess. 11.
[u] Coll. vii. 310.
[uu] Vid. sup. p. 573.
[v] Vid. sup. pp. 612-13.

For the consideration of this new code of ecclesiastical laws it was ordered that[vv] a committee of eight or ten members should be chosen. The book was accepted without difficulty in the lower house, though there was some sharp clashing of opinion upon the subject in the upper. Bancroft upon this interposed with considerable determination, saying that "he[w] was determined to use the best means he could to draw others to unity and conformity with himself and the rest of the reverend company." Subsequently[x] a committee[y] of both houses was appointed for the dispatch of this business, and after[z] sundry conferences[a] on the subject, and many[b] sessions devoted to its consideration, the whole book of canons was approved[c], con-

[vv] Strype's Ann. iv. 396.
[w] Warner's Ecc. Hist. ii. 487.
[x] Strype's Ann. iv. 397.
[y] Sess. 13.
[z] Sess. 13.
[a] Sess. 34—36.
[b] Conc. Mag. Brit. iv. 379.
[c] Conc. Mag. Brit. iv. 379.

firmed, and "delivered from the hands of the synod to the care of the printers." A.D. 1604. K. James I.

These canons having been confirmed by letters patent under the great seal, were published with this title, "*Constitutions*[d] *and Canons ecclesiastical treated upon by the Bishop of London, president of the convocation for the province of Canterbury, and the rest of the bishops and clergy of the said province; and agreed upon with the king's majesty's licence, in their synod begun at London anno Dom.* 1603, *and in the year of the reign of our soveraign Lord James, by the grace of God, King of England, France, and Ireland, the first, and of Scotland the thirty-seventh.*"

[d] Gibson's Codex, p. 993.

They run to the number[e] one hundred and forty-one, and are divided into fourteen heads:—

[e] Conc. Mag. Brit. iv. 380. 406.

1. Of the Church of England.
2. Of divine service and administration of the sacraments.
3. Of ministers, their ordination, function, and charge.
4. Of schoolmasters.
5. Of things appertaining to churches.
6. Of churchwardens, questmen, and sidesmen or assistants.
7. Of parish clerks.
8. Of ecclesiastical courts belonging to the archbishop's jurisdiction.
9. Of ecclesiastical courts belonging to the jurisdiction of bishops and archdeacons, and the proceedings in them.
10. Of judges ecclesiastical and their surrogates.
11. Of proctors.
12. Of registrars.
13. Of apparitors.
14. Of the authority of synods.

Ecclesiastical authority of the canons of 1604.

Now as regards the ecclesiastical authority of this code it seems indisputable; for these canons were fully ratified at this time in the provincial Synod[f] of Canterbury, and[g] shortly after in that[h] of York, thus obtaining undoubted synodical power throughout the two English provinces. They were thus confirmed by the acts of the Church of England, and so their jurisdiction, at least in the conscientious forum, over her members appears complete.

[f] Conc. Mag. Brit. iv. 379.
[g] See below, pp. 640 et seq.
[h] Conc. Mag. Brit. iv. 428, and Wake's App. No. clvii. p. 239. Card. Syn. p. 166.

Civil authority of the canons of 1604.

But as regards their civil authority, the motion with which they pass is not altogether

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easy. They were "enacted and promulged" by the synods under the authority of a royal[i] licence in accordance with the statute (25 Hen. VIII. c. 19); they received the[j] subsequent ratification of his majesty, in accordance with the same act; and they were propounded, published, and enjoined by letters patent[k] under the great seal of England. Here certainly are civil sanctions which would at first view appear to be of sufficient weight and metal to silence an ordinary battery of opposition. But the events of peace as well as of war are uncertain. This code was no sooner published than its authority was roundly assailed. It[l] was contended that, as civil punishments followed on sentences of excommunication, the authority by which this code was published was insufficient to create offences, to which the former penalties would attach. In order therefore to disable these canons, a bill was introduced into the House of Commons at the next ensuing sessions of parliament, "declaring[m] that no canon or constitution ecclesiastical made within the last ten years, or to be made thereafter, should be of force to impeach or hurt any person in his life, liberty, lands, or goods, unless it were first confirmed by an act of the legislature."

Now the very introduction of this bill shews that at that time these canons were held to have an inherent jurisdiction which it required a specific statute to disable. The proposed bill, however, miscarried; and though several conferences took place on the subject between the upper and lower houses of parliament, those assemblies were dissolved before any conclusions upon this matter were arrived at. As, therefore, the imperial legislature failed to interpose any statute to prevent the execution of these canons, not only framed according to ancient precedent by the provincial synods of England, but fortified both in front and rear by royal authority, and, moreover, supported by the statute[n] above quoted, a most anomalous state of events has ensued. The decision of individual cases arising upon them has fallen from time to time to the judges of Westminster Hall; and those reverend and learned persons have thus been placed in very perplexing positions. At least thus much we may gather from the irreconcilable judgments on this subject which they have delivered.

[i] Gibson's Codex, p. 994.
[j] Gibson's Codex, p. 994.
[k] Gibson's Codex, p. 995.
[l] See Card. Syn. p. 165, note. Lingard, Hist. Eng. vol. vii. pp. 34, 35.
[m] Card. Syn. p. 165, note.
[n] 25 Hen. VIII. c. 19.

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Opinions of learned judges on this subject.

For example, in the thirtieth year of K. Charles II. the Court of Queen's Bench decided that these canons "are good [o] by the statute 25 Hen. VIII, so [p] long as they do not impugn the common law or the prerogative-royal." Chief-justice Vaughan's judgment is to the same purpose: "A [q] lawful canon," said he, "is the law of the kingdom as well as an act of parliament, and whatever is the law of the kingdom is as much the law as any thing else that is so, for what is law doth not 'suscipere magis aut minus.'" Then, on the other hand, at a later period of our history Lord Chief-justice Holt observed: "'Tis [r] very plain that all the clergy are bound by the canons confirmed by the king, but they must be confirmed by parliament to bind the laity." And Chief-justice Lord Hardwicke thus gave the united judgment [s] of the Court of Queen's Bench at a still later time on this subject, when he said [t], "We are all of opinion that proprio vigore the canons of 1603 do not bind the laity. I say proprio vigore, because some of them are only declaratory of the ancient canon law." Lastly, Sir William Blackstone has proceeded to disable the authority of this code, even to a still greater extent than the two learned persons last mentioned, and thus writes of these canons, "Where [u] they are not merely declaratory of the ancient canon law, but are introductory of new regulations, they do not bind the laity, whatever regard the clergy may think proper to pay them."

But with all deference to the memory of that learned judge, this language, suggesting an option on the part of the clergy to obey or disobey at their pleasure, falls very far short of the exigency of the case, and is, moreover, altogether contradicted by present practice. For example, to suggest one point only at this time. Were any conscientious clergyman now to refuse Christian burial to some heretic [v], or scoffer at the holy sacrament, or notorious profligate, he would very probably find to his cost that the learned commentator's language, as regards the sixty-eighth canon at least, hardly rises to the significance of such an occasion. The clergy's choice is limited in such matters by a restraint somewhat more extensive than that assigned above, viz. the regard which they may think proper to pay to these canons.

It cannot, I suppose, be reasonably doubted that, at the time of the publication of the canons of 1603-4, the union of

[o] Gibson's Codex, p. 995.

[p] Cory *v.* Pepper (2 Levinz. 222).

[q] Gibson's Codex, p. 995.

[r] Bp. of S. David's *v.* Lucy (Carthew. 485), apud Pearce.

[s] Middleton et Uxor *v.* Croft (Strange, 1056).

[t] Pearce, Law of Convocation, p. 36, and see Burn's Eccl. Law, p. 26.

[u] Blacks. Com. i. 83.

[v] See Gibson's Codex, p. 541.

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synodical and royal authority, without any intervention of parliament, was constitutionally sufficient to "enact, promulge, and execute" canons generally obligatory on the subject. Not only does the whole tendency of ecclesiastical and civil legislation, subsequent to the discharge of the papal supremacy and down to the period now under review, lead to such a conclusion, but the fact above mentioned—that a bill was introduced into the House of Commons to disable these very canons—shews that such was the opinion entertained in that assembly. The miscarriage of the bill, however, left the obligation of these canons at that time untouched. But the subsequent event has been, that the changes in the current of popular opinions, and the gradual increase of the power of parliament, as compared with that of the prerogative-royal and of ecclesiastical jurisdictions, have gradually undermined the original authority, and obligation of this code.

Indeed, from the judgments and opinions of the judges above quoted, it readily appears how variable have been decisions, even of those reverend and learned persons, upon these public documents during the several stages of our history and under the gradual changes of public sentiment. We know that by constant practice and careful attention a very high degree of success in all professions may generally be secured; still one would incline to think that the rare power of extracting from the same data conclusions varying in a fixed ratio with the variable changes of human opinion, and at the same time invariably coinciding with the popular sentiments of the day, must be cultivated with some remarkable assiduity before perfection in so curious an art can be attained. Moreover, we are to consider that this ingenuity[w] has not always been confined to interpretations of the canons of 1603-4, but has been extended also at times with surprising success to the elucidation of the statute law of England.

[w] See Warner, Eccl. Hist. ii. 489, et supra, pp. 369—373.

Commonly-received notion of the obligation of the canons and canon law.

However, to take the most restricted view of the obligation of this code before us, according to the opinions now commonly received, "It is to be inquired[x] how much of those canons is agreeable to the ancient canon law, and how much is added of new by the convocation of 1603: for in the former case the same will be obligatory both upon the clergy and laity, and in

[x] Burn's Eccl. Law, vol. i. pref. p. xx.

the latter case upon the clergy only," with perhaps the addition of those laymen[y] who are officially connected with ecclesiastical courts, and also of such laymen as undertake the office of churchwardens. But it must not be forgotten that, over and above this code, there is another branch of canon law statutably binding on all, both clergy and laity. To arrive however at a clear conception of its extent and bearings, some careful researches and archæological lore seem no more than necessary. For the business[z] on this head must be to find out first what is the old papal canon upon any point, "and[a] then to find out how far the same was received here in England before the statute (25 Hen. VIII. c. 19) was enacted, A.D. 1534, and then[aa] to compare the same with the common law, and with the statute law, and with the law concerning the king's prerogative (which is also part of the common law);" and from thence, after these somewhat laborious investigations, will come out the law by which Englishmen at this day are bound, and which the superior courts, in accordance with the statutes[b] of this realm, would on proper applications be bound to enforce. Such a state of uncertainty, doubt, and miserable perplexity can hardly recommend itself to any reasonable man. And it certainly does seem little creditable to the common sense of this nation that any delays should be interposed to placing a necessary branch of law in this land on a more satisfactory footing by means of proper constitutional authorities, that is, by the conjoint jurisdiction appertaining to the synods of the Church, the sovereign, and the parliament.

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[y] See Burn's Eccl. Law, pref. p. xx.

[z] See 25 Hen. VIII. c. 19. 1 & 2 Ph. and Mar. c. 8. 1 Eliz. c. 1.

[a] Burn's Eccl. Law, pref. p. xv.

[aa] Burn's Eccl. Law, pref. p. xv.

[b] 25 Hen. VIII. c. 19. 1 Eliz. c. 1.

Revised Prayer Book of this reign sanctioned synodically.

It was remarked in a former chapter[c] that the Prayer Book, as revised A.D. 1559, did not at that time receive the formal sanction of our provincial synods. This defect, however, for it must be so considered, was now removed upon the enactment of the canons of 1603-4. For the due consideration of this point we must take a step backwards. In the Hampton[d] Court conference, which our subject did not lead us to consider in detail, many exceptions had been lately taken against the Prayer Book then received, *i.e.* the book of 1559. And although most of the querulous complaints urged were at the time overruled, yet for the sake of bringing the work to an unexceptionable standard and of disabling any reasonable scruples, a few alter-

[c] See chap. xii. sec. 20. pp. 541-3 and 553.

[d] See Coll. vii. 271—300.

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ations[c] were agreed to by the bishops. Those alterations were of no very great moment. Such, however, as they were may be seen on perusal of the note[3]. The book so revised

[c] Coll. vii. 298.

[3] The Prayer Book * of 1559 underwent the following changes in 1604 :—

In the calendar these alterations were made. To August 26 this note was appended : "The 13th of Daniel, touching the historie of Susanna, is to be read unto theis words, 'and King Astyages,'" &c. For the same day at evening prayer the 30th chapter of Proverbs was substituted for the 14th of Daniel concerning Bel and the Dragon. These chapters concerning Susanna and Bel and the Dragon are, it must be borne in mind, now "set apart" from the Book of the Prophet Daniel in our authorized translation. On the 1st of October instead of the 5th chapter of Tobit a portion of the 6th of Exodus was appointed for morning prayer, and for evening prayer the 20th chapter of Joshua was substituted for the 6th of Tobit. On the 2nd of October the 8th chapter of Tobit was to be replaced by the 22nd of Joshua ; and on the 17th of November the 46th chapter of Ecclesiasticus was to be read as far as the words "after this he told," &c.

As regards the body of the book, the following were the alterations made. In the rubric, before the absolution, the words "or remission of sins" were added. After the prayer for the king, one for the queen and the royal family was introduced.

In the litany an insertion also to the same effect was made.

Some particular thanksgivings were appended, viz. :—"For rain," "For fair weather," "For plenty," "For peace and victory," and "For deliverance from the plague."

In the Gospel for the second Sunday after Easter, and in one other like case, the words "Jesus said" were substituted for "Jesus said *to his disciples.*" These last three words were an interpolation : to this the puritans had demurred, and they were certainly warranted in so doing by the sacred text.

The rubric before private baptism was amended. In place of the words, "First let them that be present," &c., this form of expression was now used, "First let the *lawful minister* and them that be present," &c. And moreover some expressions in other parts of this service, which seemed † before to admit of lay baptism, were so turned as expressly to exclude it. This fact, taken in connexion with the twelfth article of 1576 N.S. ‡, before considered, seems very clearly to prove that at this time the judgment of the English Church was opposed to lay baptism.

Additions were made to the catechism taking in all the questions and answers touching the sacraments.

In the title of the order for confirmation this difference was now made. In the Prayer Book of 1559 the words stood thus : "Confirmation, wherein is contained a catechism for children." They were now printed as follow : "The order of confirmation or laying on of hands upon children baptized and able to render an account of their faith according to the catechism following."

The document which authorized the printing of this book is dated § Feb. 9,

* See Lathbury's Hist. of the Convocation. Wheatly, Introduction, p. 24. Collier, Ecc. Hist. vii. 298-9. Berens' Hist. of Prayer Book, p. 97.

† Gibson's Codex, p. 447, and see pp. 447-8.

‡ Vid. sup. c. xiii. sec. x. p. 582.

§ Lathbury, 219.

received full synodical sanctions by the canons of 1603-4, lately under consideration. This sanction was imparted by the fourth, sixth, fourteenth, thirty-sixth, and eightieth of those canons. And as soon as their own synodical authority was established by both provinces, which is an indisputable[f] fact, the present alterations in the Prayer Book received the formal approbation of the whole English Church; and so the entire book, as printed at this time, became the service book of this nation, subject, so far as proper ecclesiastical sanctions are concerned, neither to just cavil nor reasonable exception.

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[f] Vid. sup. p. 625.

The provincial Synod of Canterbury having dispatched the important business above alluded to, broke up[g] on the 9th of July, 1604, two days after the rising of the parliament.

[g] Coll. vii. 310.

III. Parliament of 1604 N.S.

As regards the parliament[h] which met March 19, 1604 N.S., acourse with the provincial synod last under consideration, some acts were passed affecting the Church.

[h] Hume, ch. xlv. p. 494.

One statute[i] was passed for disabling the crown from receiving conveyances of the estates of spiritual prelates; an act, it would seem, no more than necessary, considering the havoc which had been made of Church property in the late reign, to say nothing of the sacrilegious plunders previously committed by K. Henry VIII. and the courtiers of K. Edward VI. For it has been a query with some "whether[j] settling a perpetuity of poverty upon the Church" might not be "much more prejudicial than fire and faggot; whether destroying bishoprics is not a much greater hardship than destroying bishops, because this severity affects succession and reaches down to future ages;" and whether, "as the world goes, it is not more easy to recruit bishops than the revenues to support them." However, this statute was directed against such abuses, and thus those who had neither honesty or courage to defend sacred deposits committed to

[i] 1 James I. c. 3.

[j] Coll. viii. 258.

and the work shortly after issued from the press of Barker. A royal proclamation for its use was signed * March 5, 1604 N.S. But here it is to be observed that the date of the introduction of this revised service book into each province and diocese, in accordance with primitive practice, was left respectively † to the metropolitans and their suffragans.

* Conc. Mag. Brit. iv. 378.

† Conc. Mag. Brit. iv. 378.

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their stewardship were prevented[k] from impoverishing the Church; and the king, meanwhile, was debarred from committing sacrilege and relieved from the importunities of greedy courtiers.

In this parliament, also, a bill was passed for the easier execution[l] of the law against recusants. A statute[m] of Q. Mary's was repealed, and thus the statute[n] of K. Edward VI. respecting the lawfulness of marriage among the clergy was now revived[o]. And, moreover[oo], 1 Mar. c. 2, repealing 1 Ed. VI. c. 2, was itself repealed, the latter statute having reference to the election of bishops.

This parliament sat till the 7th[p] of July, 1604, one day after the prorogation[q] of the York provincial Synod, and, as was said, two days[r] before the prorogation of the Synod of Canterbury.

IV. Accession of Archbishop Rich. Bancroft.

About nine months after the death of Archbishop John Whitgift, Richard Bancroft, who as Bishop of London had presided during the vacancy in the last southern synod, was promoted to the see of Canterbury[s] on the 4th of December, 1604. This prelate was learned[t] in controversy, an excellent preacher, well versed in statesmanship, and filled the high office to which he was called with great credit to himself and advantage to the Church. Ruling[u] with vigour, he was active in pressing conformity, took care that divine service should be exactly performed in accordance with the rules of the liturgy, that fasts and festivals should be duly observed, and that the significant proprieties of clerical vestments should be respected. Thus he had some success in recovering the Church to that state in which the reformers had left her, and in which she existed before the novel principles of puritanism had of late woven their entanglements around her. Moreover, the thirty-sixth of the canons now lately passed obliged the clergy to subscribe the Prayer Book in no loose and reserved sense, so that there was not much room left in that respect for latitude of persuasion among them. Bancroft's strictness was interpreted by some as over rigorous. But if in the next succession the ecclesiastical government had been as firmly managed, it is possible that less disastrous events might have befallen this Church and nation.

[k] Coll. vii. 309.
[l] 1 Jac. I. c. 4.
[m] 1 Mar. Sess. 2, c. 2.
[n] 5 & 6 Ed. VI. c. 12.
[o] 1 Jac. I. c. 25.
[oo] 1 Jac. I. c. 25.
[p] Coll. vii. 310.
[q] Conc. Mag. Brit. iv. 379.
[r] Coll. vii. 310.
[s] Coll. vii. 311.
[t] Coll. vii. 366.
[u] Coll. vii. 311.

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V. Provincial synods of Nov. 1605.

In the Canterbury and York provincial Synods which were continued[v] to Feb. 8, 1605 N.S., it does not appear that active business was entered upon. Those, however, which met in the autumn of that year, viz. on November 6 and November 9 respectively, will require some careful consideration.

[v] Conc. Mag. Brit. iv. 379.

1. Canterbury Synod.

On the 5th[w] day of November, 1605, that parliament was summoned to meet which so narrowly escaped being blown up by gunpowder[ww]. The Canterbury Synod meeting acourse with it assembled[x] on the following day[y]. The new archbishop, Bancroft, at the first meeting of the synod[z] recommended Dr. Overall[a], dean of S. Paul's, as prolocutor, in the room of Dr. Ravis, lately promoted to the see of Gloucester. The synod was thence adjourned[b] to Westminster Abbey, where a meeting[c] was held the following week, November 13.

[w] Coll. vii. 316.

[ww] Lingard, Hist. Eng. pp. 41—67.

[x] Conc. Mag. Brit. iv. 379. 412.

[y] Nov. 6.

[z] Sess. 1, Nov. 6.

[a] Strype's Ann. iv. 397.

[b] Strype's Ann. iv. 397.

[c] Wake's State, p. 507.

"Articuli cleri" exhibited against the common law judges.

It was, I presume, on this last day that an agreement was come to in the synod respecting a representation to be made by the archbishop to the lords of the privy council "*in the*[d] *name of the whole clergy.*" For it is matter of[e] history that in Michaelmas term this year[f] "certain articles of abuses, which are desired to be reformed in granting[g] of prohibitions," were exhibited as "Articuli cleri" against the judges of the common law courts, who it seems were now over forward in directing prohibitions against the courts of ecclesiastical jurisdiction. And as these articles ran in the name of "[h] *the whole clergy*," it seems pretty plain that they must have had synodical sanction, and, if so, that that sanction must have been accorded in this session[i], for it was the[j] only session held in Michaelmas term this year after the first assembly of the synod. Moreover we find in the following year this subject introduced into the synod with a very satisfactory event; for the archbishop acquainted[k] the lower house "that the[l] king hath consented to put a restraint on prohibitions;" and so these articles of the clergy seem to have met with sufficient success, at least for a season[m].

[d] Conc. Mag. Brit. iv. 417.

[e] Coke's Inst. pt. ii. fol. 601.

[f] Coll. vii. 314.

[g] Conc. Mag. Brit. iv. 417.

[h] Conc. Mag. Brit. iv. 417. Coll. vii. 314.

[i] Nov. 13.

[j] Wake's State, 507. Conc. Mag. Brit. iv. 412.

[k] Sess. 3, Nov. 21, 1606.

[l] Strype's Ann. iv. 398.

[m] See Card. Syn. p. 589, and authorities there quoted in the note.

But whether they were agreed upon in synod on Nov. 13, 1605, or on some other occasion, it is certain that Archbishop Bancroft did exhibit these articles in Michaelmas term of this

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year, and in the name of the whole clergy. They run[n] to twenty-five heads, and are founded upon the famous statute[o], called "Articuli cleri," passed[p] by parliament at Lincoln in the year 1315. The complaints of the clergy against the proceedings of the judges seem to have had some reasonable foundation, and were supported by telling[q] facts. But without entering into them here, it may be remarked that in Easter term[r] following all the judges, together with the barons of the exchequer, delivered[s] their answers to the lords of the privy council on the complaints exhibited. The answers[t] run to the same number as the articles, viz. twenty-five, and are penned with a[u] certain affectation of superiority, and with no disguised contempt of those to whose complaints these learned persons appear to have lain under an obligation to make answer.

Sir E. Coke magnifies the replies of those learned persons unreasonably.

These resolutions contained in the judges' answers and submitted to the council board, Sir Edward Coke would have[v] to be "the highest authority in law." The unanimous opinion of the learned judges is doubtless a very high authority in cases where they are justly empowered to pronounce; but on this occasion to call it the "highest authority in law," or indeed to challenge any obligatory authority at all for it, is a claim which seems no way warranted. The contest here was about privilege and jurisdiction between ecclesiastical and temporal courts, two inferior branches of jurisdiction according to the hypothesis, for that there was a superior court is acknowledged[w] by the judges themselves in their answer. Moreover, this fact was admitted by their making returns to the complaints instituted against them. They were charged with overstraining their authority to the prejudice of others, and so were for the time removed from the bench to plead at the bar, or rather their character shrunk down to the stature of a defendant in the suit. It was not that their judgment here was sought, but a justification of their practice was required. Now that "no man should be judge in his own cause[a]" is a maxim of law of perpetual existence, one which has[x] had a very sensible effect on[y] our jurisprudence, and one moreover which Sir E. Coke has himself[z] cited when interpretation and not conquest

n Conc. Mag. Brit. iv. 417—424, and Coll. iii. 12—40.
o 9 Ed. II.
p Gibson's Codex, p. 7.
q See Art. 4 and Art. 15.
r 1606.
s Coll. iii. 12—40, and vii. 314.
t Coke's Inst. ii. fol. 601 et seq.
u See Answers 7. 9. 13, 14. 16. 20, 21.
v Coke's Inst. ii. fol. 601, apud Coll. vii. 314.
w Coll. vii. 41.
x Blacks. Com. b. iii. c. 5, 6.
y Coll. iii. 41. viii. 315.
z Coke's Rep. lib. viii. fol. 117 et seq. apud Coll. vii. 315.
a "Iniquum est aliquem suæ rei esse judicem."

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was his aim. And as the constitution of England has never supposed that the study of the learned profession would altogether emancipate its members from such frailties as are common to the rest of mankind, specific[a] statutes have been made to relieve our judges, as far as may be, from every possible temptation in this respect.

[a] 8 Rich. II. c. 2. 13 Hen. IV. c. 2. 33 Hen. VIII. c. 24.

In fine, the answers of the judges upon these articles of the clergy must be looked upon as rejoinders in the suit, rather than judgments from the bench. The learned persons who delivered themselves in favour of their own privilege and jurisdiction were clearly interested parties in the case. And so the romantic bulk to which Sir E. Coke has swelled their replies, as of "the highest authority in law," is every way mysterious and no way satisfactory. In truth, it was unjust that either side should make a claim to rule the point. Such a cause could only be fairly decided by an unprejudiced tribunal impartially weighing the intrinsic merits of the case. And as an historical fact the king did promise to put a restraint on these prohibitions; and this promise was, as before remarked, signified[b] by Archbishop Bancroft to the lower house of the Canterbury Synod subsequently, on the 21st of November, 1606.

[b] Strype's Ann. iv. 398.

A.D. 1606.

Overall's convocation book.

After the continuation from Nov. 13, 1605, the Canterbury Synod met again[c] on the 22nd[d] of January, 1606 N.S., at Westminster Abbey. The presentation of Dr. Overall as prolocutor took place on that day; and two days[e] afterwards the archbishop[f] delivered a book, drawn up concerning the state of the Church, and desired both houses to take copies and consult about it.

[c] Sess. 3. [d] Conc. Mag. Brit. iv. 412.

[e] Sess. 4, Jan. 24. [f] Conc. Mag. Brit. iv. 412, and Strype's Ann. iv. 397, and Wake's State, pp. 507, 618.

It would, of course, be impossible here to go into the detail of this work; a few words on the subject must suffice. It is now known under the name of "*The Convocation Book of* MDCVI.;" or "*Bishop Overall's Convocation Book concerning the Government of God's Catholic Church, and the Kingdoms of the whole World.*" The work is divided into three books: the first containing thirty-six chapters; the second containing eleven; and the third thirteen. The object of the work was to discuss and settle[g] the origin of ecclesiastical and civil polity, to refute the claims of papal supremacy set forth by Sanders, and to counteract the doctrines upon secular government promul-

[g] Vid. pref. p. vi.

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gated by the jesuit Parsons[5]. At the next meeting[h] of the synod the archbishop[i] brought down the king's licence[j] for enacting canons, which were to be constructed so as to give effect to the principles laid down in the work above mentioned. And upon this licence being produced the assembly appears to have carried on business in earnest, for thirty-six canons are extant, corresponding with the thirty-six chapters of the first book, and indeed appended to them; and also ten canons corresponding with the ten last chapters of the second book. As regards the third book its thirteen chapters appear to have been agreed to, though no canons were built upon those footstones.

[h] Sess. 5, Jan. 29, 1606 N.S.

[i] Strype's Ann. iv. 397. Conc. Mag. Brit. iv. 412.

[j] Wake's State, p. 618.

How far synodically sanctioned.

The whole work, containing in all sixty chapters and forty-six canons, was ratified by the lower house of the Canterbury Synod; as is evident from the subscription[6] at the end. It is not, however, clear that more than the first book with the constitutions appended to it received the full synodical sanction of the English Church, as imparted by the additional consent of the upper house of Canterbury and of the York[jj] Synod also. But the evidence[k] that the first book of this work received the sanction of those bodies, as well as of the lower house of Canterbury, is clear, so that that part of it at least must be considered as an authoritative document[7] of the Anglican Church; and is valuable as an index of her mind at that period.

[jj] See below, p. 641.

[k] Overall's Conv. Book, pref. pp. xi, xii.

Never received civil sanction.

Touching the civil authority of Overall's Convocation Book, much cannot be said. It never received any royal[l] ratification, and so is of no force in the civil forum. Indeed so far from the king's giving the work his final sanction he appears to have been displeased with it; and this may be gathered from a letter[m] which he wrote at the time to Dr. Abbot[n], then a member of the lower house of convocation, but subsequently Archbishop of Canterbury. In that

[l] Overall's Conv. Book. pref. p. viii.

[m] Card. Syn. i. 332. Conc. Mag. Brit. iv. 405.

[n] Overall's Conv. Book. pref. p. vi.

[5] In a book entitled "A conference about the next succession to the crown of England." Published by R. Doleman.

[6] "Hæc omnia superscripta ter lecta sunt in domo inferiori convocationis, in frequenti synodo cleri, et unanimi consensu comprobata. Ita testor Johannes Overall, prolocutor. April 16, 1606."—Bp. Overall's Convocation Book, p. 272.

[7] The book was first printed, under the auspices of Archbishop Sancroft, "for Walter Kettilby, at the Bishop's Head, in St. Paul's Churchyard, 1690."—See title-page, and Burnet's Own Times, iv. 388, and Card. Syn. i. 331.

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letter his majesty, though owning himself "unus gregis in Ecclesiâ," seems to shew too little respect to the voice of the Church, and dwells more on politics than religion. The former subject, which appears all along to have been uppermost in the royal mind, was probably connected with some pecuniary considerations touching the repayment of loans which had been made to the united provinces, and for which Brill and Flushing had been handed over as securities to Q. Elizabeth. His majesty has not escaped [o] suspicion of double-dealing in this matter; but however this may be he seems to have been peculiarly sensitive as to any one's dipping into the "secrets of government;" for he desires his correspondent not to meddle any more in so thorny a business. In conclusion there is a passage written in the king's [p] own hand, in which his majesty brings in a metaphor taken from "edge tools," and from "that weapon that's said to cut with one edge and cure with the other." But the royal style becomes here somewhat perplexed, and the lines of the parallel are not altogether clear at first sight. Thus though the king had [q] sent down his licence to the Canterbury Synod for the enactment of canons on the subject under view, his majesty's mind appears to have undergone some subsequent change, and so the final ratification [r] of this synodical performance was withheld.

[o] See "Last Glimpses of Conv.," p. 67.

[p] Conc. Mag. Brit. iv. 406.

[q] Sess. 5, Jan. 29, 1606. Strype's Ann. iv. 397.

[r] Overall's Conv. Book, pref. p. viii.

Sundry heads of synodical business.

In addition to the business above specified there is not much historical matter recorded as appertaining to this synod; such as there [s] is may be put together in a brief space. Both houses of the synod were on one occasion [t] united; the lower house [u] having been called up to be present when one Cartwright appeared before the upper. This person had killed a clergyman, and having obtained the king's pardon now came to ask pardon also, and to request absolution, from the bishops. As, however, he had not brought with him the document which signified the royal forgiveness, he was dismissed for the present for the further consideration of his petition.

[s] See Strype's Ann. iv. 398.

[t] Sess. 12, Feb. 21, 1606 N.S.

[u] Conc. Mag. Brit. iv. 412.

Four [v] subsidies [w] extending over five years were agreed [s]

[v] Strype's Ann. iv. 398.

[w] Sess. 19, Mar. 19, 1606 N.S.

[s] Four subsidies of four shillings at eleven payments half-yearly, eighteen pence for ten payments, and the eleventh twelve pence. The first payment to be October 2, 1606; the last payment October 2, 1611, that is, for five years.—Strype's Ann. iv. 398.

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to by both houses; the draft was committed to the Bishops of Winton, Exon, and Ely, and the documents[x] were brought in and engrossed. Suspensions[y] of contumacious persons and non-comparents and the absolution of such offenders are also recorded. Among the[z] former appear the names of Dr. Sterne[a], suffragan bishop of Colchester. Dr. Benjamin[b] Haydon, dean of Wells, Dr. Philip Bisse, archdeacon of Taunton, and Dr. William Hill, one of the proctors for the clergy of Bath and Wells. Among those absolved were Dr.[c] Tooker, dean of Lichfield, Mr. Robotham and Dr. William[d] Hill above mentioned. A petition to the king was also prepared in the lower house of this synod to back up the articles against prohibitions presented by Archbishop Bancroft last Michaelmas term, and which we have above considered. This[e] petition represented to his majesty that the clergy were defrauded of their tithes by prohibitions sued out of the temporal courts, and that they should be utterly undone unless some remedy were provided. It takes notice that the stream of justice is checked, perjury encouraged, ecclesiastical jurisdiction overthrown, and even the prerogatives of the crown assailed. It begs that such relief may be granted as seems fit to his highness' wisdom, piety, and clemency; and so it concludes by desiring for his majesty a happy life and prosperous reign.

[x] Sess. 25, April 2, 1606.
[y] Sess. 21—24.
[z] Sess. 26—28.
[a] Strype's Ann. iv. 398.
[b] Conc. Mag. Brit. iv. 426.
[c] Strype's Ann. iv. 398.
[d] Conc. Mag. Brit. iv. 429.
[e] Conc. Mag. Brit. iv. 429. Card. Syn. p. 588.

The last session[f] of this synod was held on the 28th of May, 1606. On[g] that day the prolocutor made an application to the archbishop on behalf of the clerks of this convocation, who had been put to extraordinary expenses from the long continuance of the synod, and it was prayed that a competent sum might be allowed to be paid by the parsons and vicars towards defraying the charges entailed upon those members who had given so lengthened an attendance upon the assembly. An order was consequently made that for the first session the proctors should receive the old[h] and ordinary allowance, and for the other sessions after a moiety of the old allowance.

[f] Strype's Ann. iv. 398. Conc. Mag. Brit. iv. 429. Card. Syn. p. 588.
[g] Sess. 38.
[h] On this subject see sup. pp. 570. 592.

This appears to have been the last head of business transacted in this long protracted synod, which numbered thirty-eight sessions between Nov. 5[i], 1605, and May 28, 1606.

[i] Strype's Ann. iv. 397, 398.

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2. York Synod.

We must now retrace our steps in point of time. The York provincial Synod assembling acourse with that which we have just considered met[j] on the 9th of November[9], 1605. This synod will require some careful consideration, as it gave the sanction of the northern province to the canons of 1603-4, and to the first part, at least, of "*Overall's Convocation Book.*"

[j] Conc. Mag. Brit. iv. 426.

The[k] synod met on the day above mentioned, and was continued to December 3 by the commissioners of Archbishop Matthew Hutton, who was then declining towards the end of his life, and dying soon after entered upon a better; at least we may justly hope so, for he was a prelate[l] not of learning only but of exemplary character, and moreover of a pious disposition, as is testified by his charitable bequests. By the death of their president the assembly was left somewhat in disorder[m], and this was the more unfortunate, as very important business was about to come before it. However, the office of president was discharged, as we shall presently see, by another, and so the business referred to was brought to a satisfactory conclusion.

[k] Conc. Mag. Brit. iv. 426. Wake's State, p. 507, and App. No. clvii. Card. Syn. p. 166, note.

[l] Coll. vii. 318.

[m] Wake's State, p. 507.

Royal licence for enacting canons sent to the synod.

It is necessary here to remark that, after the canons of 1603-4 were enacted[n] by the Canterbury Synod, in the royal ratification[o] appended to them his majesty K. James I. had commanded that they should "be diligently[p] observed, executed, and equally kept by all our loving subjects of this our kingdom, both within the province of Canterbury and York." Now considering that those canons had not been at that time even viewed, much less sanctioned by the northern province, his majesty appears for the moment both to have disabled the jurisdiction of the York Synod, and to have overstepped the just boundaries of the regale in a very undistinguishing way. Q. Elizabeth had indeed acted on occasions[q] in the like manner, but then her confirmations of the acts of the southern synod were extended[r] no farther than for her own life; the present confirmation on the other hand was intended (whatever may have been the event) to reach to posterity and prevail in perpetuity. And thus, though the northern synod had more

[n] Vid. sup. pp. 624-5.

[o] Gibson's Codex, pp. 993—995.

[p] Gibson's Codex, p. 995.

[q] Wake's State, p. 507.

[r] Gibson's Codex, p. 994.

[9] Wake gives the date as Nov. 6.—State, 507. The date as given in Conc. Mag. Brit. is here followed.

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quietly acquiesced on some previous occasions, the members now thought this last proceeding a little too hard. They considered if future generations within the canonical jurisdiction of York were to be bound by ecclesiastical constitutions which had neither been discussed nor assented to in that provincial synod, that the ancient rights of their province would be abandoned, and that it would always be held obliged to approve of whatsoever [s] the southern synod "should think fit to determine." So they determined to make a stand, and it is much to their credit that they had courage and constancy enough to resist this unreasonable aggression on their just privileges. The king too himself appears upon recollection to have discovered that he had been somewhat incautious in his hasty confusion between ecclesiastical and regal authority, for at the request [t] of the northern synod his majesty sent down a licence [u] to enact such canons as should seem "fit and convenient [v] for the honour and service of Almighty God, the good and quiet of the Church, and the better government thereof" within the province of York.

[s] Wake's State, p. 507.

[t] Conc. Mag. Brit. iv. 426.
[u] Conc. Mag. Brit. iv. 426—428.
[v] Licence in loc. A.D. 1606.

On account of Archbishop Hutton's death, Dr. Thornborough, bishop of Bristol, elected president.

On account of the death of the late Archbishop Matthew Hutton above mentioned, which occurred at the end of 1605, Dr. Thornborough [w], bishop of Bristol and dean of York, was elected [x] president of the northern synod.

[w] Overall's Conv. Book, pref. p. xii. note.
[x] Feb. 4, 1606 N.S.

Dr. William Goodwin prolocutor.

Soon after Dr. William Goodwin [y] was appointed [z] as prolocutor.

[y] Conc. Mag. Brit. iv. 426.
[z] Mar. 5, 1606 N.S.

Canons of 1604 sanctioned by the northern synod.

On the same day with the appointment of the latter gentleman the royal licence for the enactment of canons was produced [a]. And during that and two subsequent [b] sessions held in the York chapter-house the 141 canons of 1603-4 were read by the prolocutor, maturely [c] examined and considered, and with unanimous assent and consent ratified and commanded to be "observed in [d] and throughout the whole province of York."

[a] Conc. Mag. Brit. iv. 426.
[b] Mar. 7, Mar. 19, 1606 N.S.
[c] Conc. Mag. Brit. iv. 428.
[d] Conc. Mag. Brit. iv. 428, and Wake's State, p. 508, and App. No. clvii.

Such names [1] of the persons present at this act as still re-

[1] The Reverend Father in God John Bishop of Bristol, president of the convocation, Dr. Goodwin, prolocutor thereof, proctor for the Bishop of Durham and Carlisle and for the chapter of this Church.

Mr. Bankes, another proctor for the same chapter.

Mr. Harwood and Mr. Belwood [a], proctors for the clergy of the jurisdiction of the dean and chapter of the Church.

[a] ? Bellwood.

[Mr. Parkinson

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main on record are appended in the note, for it seems no more than necessary that historical proof of this proceeding should be given as definitely as possible, considering the very high authority on which it has been lately stated in the House of Lords that the canons of 1603-4 "were never submitted to the province of York[2];" and considering, moreover, that such a surprising announcement drew forth the consenting cheers of the upper house of our imperial legislature. But all this notwithstanding, the documents connected with this ratification of the canons of 1603-4 by the northern synod are as definite[e] as can be imagined.

[e] Reg. Ebor. ap. Conc. Mag. Brit. iv. 428, and Wake's App. No. clvii.

How far Overall's Convocation Book was sanctioned by this synod.

The York Synod, in addition to the ratification of the canons above mentioned, also gave its sanction to the first part at least of "*Overall's Convocation Book.*" That part, as we have seen[f] above, contains thirty-six chapters, and the like number of canons appended to them: and that this portion of the performance at least was ratified by the northern synod is evident from a manuscript now deposited in the library of Queen's College, Oxford, and containing the signatures given below[3], together with the following memorandum—"The said thirty-six chapters[g], with the constitutions made upon them, have been diligently read and deliberately examined, and thereupon have likewise passed with one consent in the convocation-house of the province of York."

[f] Vid. sup. p. 635.

[g] Overall's, Conv. Book, pref. pp. xi. xii. Ed. Oxf. 1844.

Mr. Parkinson for Richmond, &c. Mr. Dr. *Colmer, Mr. William Morton, and Mr. †Ribank, parties for them of the church and diocese of Durham. Mr. ‡Whittle, proctor for them of the church and diocese of Chester. Mr. Lowther and Mr. Maplet, proctors for them of the church and diocese of Carlisle; and Mr. Archdeacon Remington, Mr. §Lindley, Mr. Nobson, and Mr. Nelson, proctors for them of Southwell Church and Nottingham archdeaconry.—Conc. Mag. Brit. iv. 428.

* ? Colmore.

† ? Rebank.

‡ ? Whittell.

§ ? Lyndley.

[2] Speech in the House of Lords, July 11, 1851. The statement above alluded to is omitted in Hansard, vol. cxviii.; but the fact that it was made and the cheers which hailed it are matters of history.

[3] Jo. Bristol, Præses. Convoc. Ebor.
Guil. Goodwin, proloc.
Christopher Lyndley.
Leo. Lowther.
Tho. Dodson.
Ri. Harwood.
Clement Colmore.
H. Swinburne.
Edward Maplet.
Richard Snowden.
Robt. Whittell.
Hen. Bankes.
Hen. Rebank.
Chr. Nelson.
Richard Slater.
Roger Bellwood.

Overall's Conv. Book, Pref. xii. Oxf. ed. 1844.

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This York Synod, having sanctioned "*The Canons of* 1603-4," and the first part at least of "*Overall's Convocation Book*," granted four subsidies[h] to the king[i], and made arrangements for the payment of the proctors'[j] wages. After this the assembly[k] was continued from time to time till June 3, 1606, and then was prorogued to the 19th of November next ensuing.

VI. Provincial synods of Nov. 1606.

Both provincial synods assembled again on Nov. 19, 1606[l], the day following the meeting of parliament[m].

1. Canterbury Synod.

In the southern province but little business is recorded as having been transacted. It may be thus briefly related. Archbishop Bancroft informed[n] the lower house that the king had consented[o] to put a restraint on prohibitions. Respecting those encroachments of the civil upon the ecclesiastical jurisdiction it will be remembered that articles of the clergy[p] had been exhibited in the previous year, and a petition also presented[q] from the lower house of convocation in May last. The archbishop also declared[r] to both[s] houses of the synod some wishes entertained by the king on the subject of Church music, as connected with "the singing and organ-service in cathedrals." His grace moreover at a subsequent[t] session produced before the assembly a folio[u] book, of which he caused his secretary to read some leaves. Unfortunately the subject of this work is not recorded, so that whether it was connected with the judges' late answers on the subject[v] of prohibitions, now so interesting to the clergy at large, or with other topics, we have unhappily no record to guide us.

Of the southern synod we must now take leave for some time, as it[w] was prorogued by various writs to Feb. 10, 1610 N.S.

2. York Synod.

Concurrently with the last Canterbury Synod the northern synod also met Nov. 19, 1606[x].

Tobias Matthews, their new metropolitan, somewhat of his character.

Their new metropolitan, Tobias Matthews, had been lately appointed. This prelate is said to have been a most learned divine, a distinguished preacher, an elegant scholar, and to have been master of a ready and fluent style, as indeed may be easily believed from his having been pitched upon by the Canterbury Synod in 1581 N.S. to draw up a representation

h Wed., Ap. 9, 1606.
i Conc. Mag. Brit. iv. 429.
j Wake's State, p. 508.
k Wake's State, p. 508.
l Conc. Mag. Brit. iv. 429.
m Wake's State.
n Nov. 21, Sess. 3.
o Strype's Ann. iv. 398. Conc. Mag. Brit. iv. 429.
p Vid. sup. p. 633.
q Vid. sup. p. 638.
r Sess. 11, Feb. 18, 1607 N.S.
s Strype's Ann. iv. 398. Conc. Mag. Brit. iv. 429.
t Sess. 14, Feb. 27, 1607 N.S.
u Strype's Ann. iv. 398.
v See Col. iii. pp. 12, 13 et seq.
w Conc. Mag. Brit. iv. 429.
x Conc. Mag. Brit. iv. 429.

to Q. Elizabeth, in the name of the members, for the restoration of Archbishop Grindal, then "groaning[y]" under her majesty's displeasure. He is moreover reported to have been[z] of a sweet disposition, conscientious, bountiful, and indefatigable in the duties of his sacred calling. In fine, had he not alienated from his see York House in the Strand to the Duke of Buckingham in exchange for lands in Yorkshire of too slender a value, this prelate's character would have been transmitted without a blemish to posterity.

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[y] Fuller, Ch. Hist. b. ix. p. 119, and see above, chap. xiii. sec. 11.

[z] Rose's Biograph. Dict.

On the occasion of the opening of this his first provincial synod it does not appear that any business was transacted. Two[a] sessions were held[b] before any thing worthy of note transpired. On the third session[c], however, the king's letters patent were opened and read, by which the assembly was again empowered, as they had been last year, to proceed under royal authority. But what was done in consequence is not left upon record. Two[d] more sessions are reported as having been subsequently held, and on the last of those occasions the assembly was prorogued[e] to November 17, 1607.

[a] Nov. 19 and 29.

[b] Wake's State, p. 509.

[c] Friday, Ap. 10, 1607.

[d] July 10 and 20, 1607.

[e] Wake's State, p. 509.

A.D. 1610.

VII. Provincial synods of Feb. 1610 N.S.

We must here pass over an interval of more than two years, during which we have no records of any synodical business, further than the continuations of the northern assembly, which may be seen in the tabular list. On[f] the 10th of February, 1610 N.S., however, the two synods met.

[f] Conc. Mag. Brit. iv. 437—444.

1. Canterbury Synod.

The records of the southern synod give on this occasion but a scanty account of the proceedings.

Dr. Morton preacher.

Morton[g], who was subsequently bishop of Durham[h], but at this time dean of Winchester, preached the opening sermon. This same gentleman was designed for prolocutor[i], but his modesty induced him to decline that high honour.

[g] Lathbury, p. 237, note.

[h] Rose, Biograph. Dict. in loco.

[i] Lathbury, ut sup., cites Life of Morton, p. 73.

Sundry heads of synodical business.

The business of this synod may be briefly related. Some[j] chapters of the book[k] formerly brought into the synod by Archbishop Bancroft in February, 1607 N.S., were now again introduced and read. A[l] conference was held between the two houses[m] on the present state of the Church, on the value and management of benefices, on the smallness of some, on tithes received by laymen, and on the number of prebends and their values.

[j] Strype's Ann. iv. 398.

[k] Vid. sup. p. 642.

[l] Strype's Ann. iv. 398.

[m] Sess. 20, May 9, 1610.

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Crashaw convened for his book. Some account of it.

One Crashaw[n], a clergyman, was convened before this[o] synod for the publication of an erroneous book, but upon expression of sorrow for his conduct, and retractation of the tenets contained in his work, he was dismissed by the archbishop. The title of this[p] performance was "*News from Italy of a second Moses, by William Crashaw, B.D.*" This divine[q] was preacher at the Temple. His work, for which he happily appears to have expressed his sorrow on this occasion, was a translation of the life of the Marchese Carraccioli, a nobleman who, having abjured the Roman persuasion, subsequently cultivated the friendship of Calvin, and not only adopted the singularities of that teacher, but in order perhaps that his preceptor's instructions might not lose by distance, sought an abode himself at Geneva in 1556. Our translator, Mr. Crashaw, took occasion to prefix to his work an epistle dedicatory, in which he was so free as to run a parallel between his hero Caraccioli and the Jewish lawgiver. But upon reflection a comparison between the prophet Moses and this Italian marquis will not hold good, as indeed Mr. Crashaw must have himself discovered; that is, if his retractation was honest.

n Sess. 36.
o Strype's Ann. iv. 398.
p Lathbury, p. 237, note.
q Card. Syn. p. 591, note.

Draft of an act touching the election of clergy proctors.

At this time there was laid before parliament the draft of an act devised for the remedy of abuses connected with the election of proctors to sit in convocation. The latter assembly is there[r] represented to be warranted by the word of God and the example of the primitive Church, "and to be of most worthy service for the ordering of spiritual interests," for the regulation of "divine[s] knowledge, for the reformation of conscience, the direction of the clergy, and the administration of the word." In fine, whoever[t] penned this draft had a correct idea of the origin of our provincial synods, and took a primitive view of their proper duties. Whether it received the sanction of the present synod or not is uncertain, but at any rate its date fixes it to this time. It was proposed in this draft that none should be eligible as proctors who did[u] not reside upon their cures, and apply themselves diligently to their pastoral duties; and, moreover, all persons were to be disabled from voting at the election of clergy proctors but such as were performing their weekly ministrations among their parishioners. And here we

r Sir Simon D'Ewes, apud Conc. Mag. Brit. iv. 438.
s Ibid.
t Said to be Mr. Turner of the Temple.
u Conc. Mag. Brit. iv. 438.

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may consider that these propositions seem reasonable enough, for the common evils under which the Church at any time labours, and the most suitable remedies to be applied, fall especially within the observation of the labouring clergy. And indeed one of the chief advantages to be derived from the assembling of provincial synods is that the results of the experience of that body of men, as derived from many localities, may be collected and made available.

Sundry heads of synodical business, and death of Archbishop Bancroft.

Besides the transmission[v] of some notes from the lower house to the upper on the number and value of prebends, the grant[w] of a subsidy of six shillings, to be paid in two years, and the commission given to George Abbot, now bishop of London, to preside in the place of Archbishop Bancroft, who died[x] Nov. 2, 1610, there is nothing farther worthy of remark as connected with this Canterbury provincial synod, which was[y] dissolved Feb. 11, 1611 N.S.

[v] Strype's Ann. iv. 499.

[w] Sess. 40, July 16.

[x] Rose, Biograph. Dict. in loc.

[y] Conc. Mag. Brit. iv. 438.

2. York Synod.

Concurrently[z] with the foregoing the York Synod met Feb. 10, 1610 N.S. in the cathedral of that province. John, Bishop of Sodor and Man, and some others, were constituted as presidents of the assembly in the place of Archbishop Matthews, who deemed himself obliged to attend his place in parliament, which met on the[a] previous day. This excuse, however, for the absence of a metropolitan from his post of duty to God and the Church, as being chief ruler in spiritual matters within the province committed to his pastoral supervision, seems no way satisfactory.

[z] Conc. Mag. Brit. iv. 444.

[a] Conc. Mag. Brit. iv. 444.

The subsidy[b] is the only subject treated of which remains on record, and this appears to have been granted with great good will under the same form, conditions, and limitations as had been agreed to in the sister synod. After sundry[c] continuations the York Synod was dissolved on the same day with that of Canterbury, viz. Feb. 11, 1611 N.S.[4]

[b] Conc. Mag. Brit. iv. 444. Wake's State, p. 510.

[c] Conc. Mag. Brit. iv. 444.

VIII. Accession of Archbishop Geo. Abbot to the see of Canterbury, and somewhat of his character.

Shortly after[d] the death[e] of Archbishop Bancroft a meeting of several bishops was held in London to consult about his successor. The bishops recommended to the king Andrews, bishop of Ely, so highly distinguished for his

[d] Coll. vii. 366.

[e] Nov. 2, 1610.

[4] Wake asserts that this synod was dissolved Feb. 19, 1611 N.S., but he gives no authority.—State, p. 510.

A.D. 1611. Archbps., See of Cant. vacant, Tobias Matthews.

piety, learning, eloquence, and indeed for every quality suitable to the chief office in the Church. Unhappily, however, thinking that his majesty was disposed to a concurrence with their wishes, they too soon desisted from their applications, when the Earl of Dunbar stepping in used Scotch influences in favour of George Abbot, bishop of London, who by "a strong north wind[f] coming out of Scotland," as was remarked, "was blown over the Thames to Lambeth." This was an ill wind, at least to the English Church, and it was a subject of considerable disappointment that to succeed Bancroft neither Andrews[g] nor Overall were chosen—men beloved by all, of much greater experience and endowed with far more learning than the person selected. Abbot had unhappily imbibed[h] some of the indefensible notions[i] of Calvin; and partook moreover of that foreigner's rigid austerity in prosecuting those who declined the singular results of his metaphysical lucubrations. For the exhibition of this last quality the high commission court supplied Abbot with a conspicuous arena. The king himself[j] confessed that it was neither his respect for the learning, wisdom, or sincerity of this prelate which caused him to be preferred before his fellows, but only the recommendation of the Earl of Dunbar. And some may be inclined to think that this reason fell short of satisfaction for the preferment over such a man as Andrews of one who had been made a bishop before[k] ever he had been called to a pastoral charge.

[f] Secretary Calvert's Letter, apud Rose, Biog. Dict.

[g] Comp. Hist. iii. 53.

[h] Cyp. Ang. p. 155.

[i] Comp. Hist. iii. 54.

[j] Rose, Biograph. Dict. in loc.

[k] Comp. Hist. iii. 53, and Cyp. Ang. p. 155.

However Abbot was consecrated metropolitan of Canterbury on the 9th of April, 1611, and so was "mounted[l] to command in the Church before he ever learned policy therein; and made a[m] shepherd of shepherds before he was a shepherd of sheep." The grievous[n] accident which occurred to him in Bramshill park when he missed a buck, and, unhappily, killed Lord Zouch's keeper, reasonably calls for our commiseration, not only in behalf of the sufferer, Peter[o] Hawkins, but of the archbishop himself, who was so deeply affected by this mischance that he kept the anniversary[p] of the day with the strictest fasting and humiliation; and, moreover, settled an annuity on the man's widow. But his want of sympathy with his inferior clergy, his moroseness[q], and his austerity towards those who did not concur with his peculiar doctrinal views, were very unpardonable. His predecessor, Archbishop Ban-

[l] Fuller, Ch. Hist. x. 87.

[m] Fuller, Ch. Hist. x. 87.

[n] Coll. vii. 416.

[o] Conc. Mag. Brit. iv. 462.

[p] Warner, Eccl. Hist. ii. 523.

[q] Comp. Hist. iii. 53.

croft, if he ruled strictly, yet censured mildly[r]; he thought that slight punishment would suffice to correct a serious fault, and knew "that a pastoral staff[s] was made to reduce a wandering sheep, and not to knock it down." Abbot, however, was more inclined to use that instrument as a weapon of offence, and so misapprehending its object misused its powers. In fine, this Scotch management was far from being advantageous to the Church of England, and this blast from the north, if it did not raise that storm[t] which soon after wrecked the ship, certainly was not calculated to lull to peace the winds and waves.

A. D. 1611. K. James I.

[r] Rose, Biog. Dict. Abbot.

[s] Rose, Biog. Dict. Abbot.

[t] See Cyp. Ang. p. 155.

Still we must not forget that this prelate was personally of unblemished conversation, and that, moreover, on one occasion he discharged his duty under very trying circumstances with great courage and constancy. In the year 1626 one Dr. Sibthorp had preached an assize sermon at Northampton on a text from S. Paul's epistle to the Romans, chap. xiii. ver. 7. While treating his subject, that[u] gentleman unduly exalted the regale, strangely disabled the rights of the subject, ran out into some extravagant divinity, and, in fact, discovering too much of the court divine, proved himself "very defective either in honesty or understanding." The king being pleased with the discourse desired that Archbishop Abbot would license it. This he absolutely declined to do, as being himself shocked at so exceptionable a performance; and remaining firm in his refusal was suspended[v] from his function for[w] a season. This persecution[x], however, involving an unjust assumption of power on the part of the crown, gave this archbishop an opportunity of leaving to posterity an undeniable evidence of fearless integrity and constancy which is highly serviceable to his memory.

[u] Coll. viii. 20.

[v] Coll. viii. 21.

[w] Coll. viii. 40.

[x] Coll. viii. 24.

IX. Provincial synods of April 1614.

After the lapse of about three years from the accession of Archbishop Abbot the two provincial[y] synods met on the same day, April 6, 1614. But meagre accounts remain of their transactions; in fact, the York records supply no information. Of the Canterbury Synod it is only known that Morton[z], whose modesty induced him to decline the office of prolocutor in 1610, now overcame his scruples and accepted that honour; that[a] one Griffin[b], who had been excommunicated on account of some horrid blasphemies, confessed his errors, recanted, and submitted himself; and that in the ninth session the conversion[c] of Dr. Alabaster

A. D. 1614.

[y] Conc. Mag. Brit. iv. 445.

[z] Conc. Mag. Brit. iv. 445.

[a] Conc. Mag. Brit. iv. 445.

[b] Sess. 4.

[c] Conc. Mag. Brit. iv. 445.

A.D. 1614. Archbps., George Abbot, Tobias Matthews.

from the errors of the Roman persuasion was signified. After eleven sessions this synod was dissolved[d] on the 8th of June, 1614, the same course being taken with the northern synod on the 15th of that month.

[d] Conc. Mag. Brit. iv. 445.

Liberality of the English prelates in aiding the king.

It was upon the occasion of the dissolution of these synods that on account of the king's necessities, which the House of Commons had refused to supply, Archbishop Abbot and some of the bishops determined to raise[e] a loan among themselves and offer it to his majesty in testimony of their duty. These prelates also volunteered to make the king a present of the best piece of plate respectively in their several possessions. And those who had not an article sufficiently valuable to express their zeal, sent in such as they had filled with gold, in order to bring up their gift to considerable dimensions. This liberality on the part of the spiritualty, which by the way the crown has never missed in time of need, must have proved peculiarly acceptable under the present somewhat harsh refusal of the House of Commons to supply the royal exchequer.

[e] Brewer's Illust. of Court of Jas. I. i. 157, apud Rose, Biograph. Dict. Verb. Abbot.

A.D. 1621.

X. Provincial synods of Jan. 1621 N.S.

Of the provincial synods[f] which assembled simultaneously Jan. 17, 1621 N.S., no records of interest remain. In the southern[g] synod[h] the lower house exhibited a schedule of such as had neglected the canons of 1603-4. But this assembly seems to have been turned to no active account; and the employment of the members, if we may believe a contemporary[i] writer, was confined to joining in the litany on Wednesdays and Fridays, not being otherwise directed to synodical affairs. Indeed, on account of their inaction our author takes leave to be somewhat smart at their expense, for he remarks that "sitting[j] among the tombs in Westminster Church, they were (as once one of their prolocutors said) 'viva cadavera inter mortuos,'" as having no motion or activity allowed them. But whether the members of a provincial synod, even if unemployed, are not far more seemly occupants of Westminster Abbey than its present monuments at least, and whether, if this synod in question had had more vitality imparted to it, some advantage might not have been set to the account of posterity, these are questions which may be left to the reader. This assembly was

[f] Conc. Mag. Brit. iv. 461.
[g] Conc. Mag. Brit. iv. 461.
[h] Sess. 7.
[i] Fuller, Ch. Hist. b. ix. p. 90.
[j] Fuller, Ch. Hist. b. ix. p. 90.

dissolved by the Bishop of Worcester, as commissioner for the archbishop, on the 9th[k] of February, 1622 N.S. The northern[l] synod[m], having granted a subsidy of four shillings in the pound, was prorogued through sundry continuations[n] until the 27th of February, 1622 N.S., at which time that assembly was also dissolved[o].

A.D. 1622. K. James I.

[k] Conc. Mag. Brit. iv. 461.
[l] Conc. Mag. Brit. iv. 461.
[m] Jan. 31, 1621 N.S. A.D. 1624.
[n] Nov. 15—21.
[o] Conc. Mag. Brit. iv. 461.

XI. Provincial synods of Feb. 1624 N.S.

With K. James I.'s last parliament the two provincial synods met, assembling[p] on February 13, 1624 N.S.

[p] Conc. Mag. Brit. iv. 467.

1. Canterbury Synod. Dr. Hall preacher, Dr. Donne prolocutor.

At the opening of the Canterbury Synod Dr. Joseph Hall preached[q] the Latin sermon. The prolocutor[r] was Dr. Donne, for an account of whose life posterity is indebted to the pen of Isaac Walton. A few words will again suffice to describe all that took place in this assembly. The college of physicians, either solicitous for the public health or fearful of missing their fees, exhibited[s] a complaint "against[t] ministers exercising physic," upon which Archbishop Abbot desired both houses to take notice that the clergy should be forbidden to prescribe for bodily ailments except within their own parishes, and that even there medicinal remedies were to be dispensed by them upon motives of charity only. His grace[u] also made complaints of irregularities among the clergy, and exhorted to amendment. The granting of subsidies is the next business left on record. It seems that parliament was at this conjuncture inclined to practise more liberality towards his majesty than it had shewn ten years[v] previously, for both houses[w], in the name of the whole kingdom, now promised their assistance with their lives and fortunes for the recovery of the Palatinate. In this liberality the southern synod joined, for it voted four subsidies[x] to the king for aid in the present exigence. Another matter connected with this synod, and worthy of note, was the successful claim of convocational privilege of freedom from arrest by Mr. Murrell, archdeacon of Lincoln. But as this subject has been considered above[y] once for all it may here be passed over.

[q] Fuller, Ch. Hist. b. x. p. 112.
[r] Fuller, Ch. Hist. b. x. p. 112. Rose's Biograph. Dict.
[s] Mar. 13, 1624 N.S. Sess. 4.
[t] Conc. Mag. Brit. iv. 467.
[u] Conc. Mag. Brit. iv. 467.
[v] Vid. sup. sec.
[w] Fuller, Ch. Hist. b. x. p. 112.
[x] Conc. Mag. Brit. iv. 467.
[y] Chap. xiii. sec. ix. p. 576.

Proposal for investigation of books and MSS. in cathedral and university libraries.

Before the breaking up of the assembly in May a matter[z] of some importance was introduced by Dr. Young, dean of Winchester, now prolocutor of the lower house; though it does

[z] Conc. Mag. Brit. iv. 469.

A. D. 1624. Archbps., George Abbot, Tobias Matthews.

not appear why Dr. Donne was not still discharging the duties of the office. At this time[a] however Dr. Young proposed—what it seems had before occupied[b] the deliberations of the assembly—that some of the most remarkable scholars from each university should be selected by both houses of convocation for the purpose of examining the MSS., together with the Greek and Latin editions of the Fathers, councils, and ecclesiastical writers preserved in Oxford and Cambridge, as well as in public and private libraries generally. It was proposed by this examination to collate various readings, to discover papal frauds, and, by comparing the "Indices Expurgatorii" with the best MSS., to compile an index which might clearly determine the true reading of passages where doubt had existed. The prolocutor informed the house, moreover, that this plan had been submitted to his majesty, who had signified his approbation and promised to promote the scheme. The proposition was unanimously acceded to; on which Dr. Young requested the deans and capitular proctors, as well as the other members then present in the synod, to search the libraries of their respective churches, and to prepare catalogues of their MSS. and of their best editions for presentation to the assembly at the earliest opportunity, with a view to carrying out the object proposed. It was also agreed that synodical letters should be transmitted to the Archbishop of York and his suffragan bishops, requesting that they would forward this business in their metropolitan and other cathedrals. This was a noble project; and was recurred to again, unhappily without effect, in the next year[c]. Even if carried out at this day it would open vast treasures of learning now lying undiscovered, which might prove of inestimable value to this Church and nation.

[a] May 28.

[b] Conc. Mag. Brit. iv. 469.

[c] Vid. inf. sec. xiii.

We do not find this synod meeting after the 28th[d] of May, from which[e] day it was continued by three prorogations to the 16th of March, 1625 N.S.

[d] 1624.

[e] Conc. Mag. Brit. iv. 468.

2. York Synod.

The records of the York Synod, which began acourse with the last-mentioned assembly, Feb. 13, 1624 N.S.[f], are taken up chiefly with the vindication of the convocational freedom from arrest claimed by Thomas Mallory, dean of Chester, but as this subject was before treated[g] of, it is unnecessary here to dwell longer upon it.

[f] Conc. Mag. Brit. iv. 467.

[g] See chap. xiii. sec. ix.

This synod, with the same liberality as the southern [h], granted four subsidies [i] to the king, and was continued by prorogations to Feb. 17, 1625 N.S.[j]

A. D. 1625. K. James I.

[h] Vid. p. 649, sup.
[i] May 13. [j] Conc. Mag. Brit. iv. 469.

XII. Death of K. James I. and accession of K. Charles I.

The next Canterbury Synod [k] was summoned for the 16th of March, 1625 N.S., that of York for the 21st of April following [l]. The former assembly was dissolved by K. James I.'s death on the 27th of March; the latter of course did not meet at all. Upon the death of this monarch [m] his only son Charles was proclaimed king of England. Our space will not allow of diversions on any side among the numerous and large subjects of national interest here forcing themselves upon notice, unless they are specially connected with the object especially before us. It may however be remarked that when the new monarch sent to survey the regalia, the left [n] wing of the dove upon the sceptre was found to have been broken off. Upon the king's sending for Mr. Acton [5], a goldsmith, and desiring that the casualty should be repaired, and the very same wing set on again in its place, that artificer replied that it was impossible to do it so fairly but that some mark would remain. His majesty replied, "if you will not do it another shall;" upon which the goldsmith carried home the sceptre, and had another dove of gold artificially set upon it, and with this, when returned, the king was well pleased, as not discovering the change. The mutilation of this emblem of peace was no good omen of the future. It would seem as if that evil genius of discord was already on the wing, which soon banished not only peace, but all public virtue and honour from our country, and, moreover, in due course goaded on some at least of its inhabitants to deeds of barbarous wickedness and sanguinary atrocity, for which, as aggravated by the guilt of enormous hypocrisy, all honest and good men detest their names and execrate their memories.

[k] Conc. Mag. Brit. iv. 468.
[l] Conc. Mag. Brit. iv. 469.
[m] Coll. viii. 1.

[n] Fuller, Ch. Hist. b. x. p. 109.

XIII. Provincial synods of 1625.

After the accession of K. Charles I. the York Synod met first, assembling on the 18th of May, 1625 [o], but no business appears on the records.

[o] Conc. Mag. Brit. iv. 470.

Canterbury Synod.

It was followed by the Canterbury Synod, which was convened on the 20th of June ensuing, at S. Paul's cathedral.

[5] Mr. Acton's son attested the truth of this to Fuller.

A.D. 1625. Archbps., George Abbot, Tobias Matthews.

Dr. John Bowles prolocutor.

Dr. John Bowles, dean of Salisbury, afterwards bishop of Rochester, was elected as prolocutor [p]; and after six sessions [q] this assembly was discontinued [r], together with the parliament, on account of the plague then raging in London.

Canterbury Synod removed to Oxford.

The ecclesiastical [s] and civil assemblies were however both removed to Oxford. The Canterbury Synod assembled [t] at Christ Church on the 2nd of August, and held its sessions [u] subsequently in the chapel of Merton College, the spacious hall of Christ Church being occupied by the parliament [w]. As Dr. Bowles the prolocutor absented himself from his post of duty on account of his timidity, fearing infection from plague, Dr. Thomas Goad [x] took his place.

Dr. James' motion for an investigation of MSS., &c.

At this time Dr. Thomas James, known to posterity by his work [y] on the corruptions in the text of the Fathers, moved in the synod that all MSS. copies of the Fathers [z] in the libraries of the universities and elsewhere in England might be perused, and that such places in them as had been corrupted in popish editions (much superstition being generated from such corruptions) might faithfully be printed according to those ancient copies." This learned gentleman's [a] scheme was approved by the Vice-chancellor of Oxford and the heads of houses. It consisted of ten heads, and embraced not only the design of a perusal of the Fathers' works, but the books of councils and the body of the canon law were to be reviewed and compared with the best MSS.; and, moreover, the collections and observations arising from this performance were to be printed. An examination [b] of the "Indices Expurgatorii" also formed part of the plan. This, it may be remarked, was but a continuation of the business which had been before [c] agitated in the synod, and which had been specially brought under notice [d] last year [e] in the session held at Westminster Abbey on the 28th of May [f]. If this scheme, which unhappily expired [g] with the words of the mover on this occasion, had been carried out, it would have contributed much to strengthen the Church of England. For though this country, at the sacrilegious [h] plunder of the abbeys, had more manuscripts destroyed than any kingdom of the same size in Christendom had ever pos-

p Comp. Hist. iii. 30.
q July 12.
r Fuller, Ch. Hist. b. ix. p. 108.
s Fuller, Ch. Hist. b. ix. p. 108.
t Conc. Mag. Brit. iv. 469.
u Aug. 5. 12. 13.
w Comp. Hist. iii. 6.
x Fuller, Ch. Hist. b. xi. p. 108.
y Lathbury.
z Fuller, Ch. Hist. b. xi. p. 108.
a Comp. Hist. iii. 6, note.
b Comp. Hist. iii. 7, note.
c Conc. Mag. Brit. iv. 469.
d Conc. Mag. Brit. iv. 469.
e 1624.
f Vid. sup. p. 650.
g Fuller, Ch. Hist. b. xi. p. 108.
h Fuller, Ch. Hist. b. xi. p. 108.

sessed, yet still enough were then left here to have furnished, if well improved, evidence of the truth to all posterity. A.D. 1625. K. Chas. I.

A party in this synod leaning towards Calvinism.

It appears that among the lower clergy in this synod there was now a majority strongly opposed to papal abuses, which makes it the more remarkable that this useful project had not greater success. Indeed there was now a company of forty-five in the lower house under[i] the leadership of Dr. Daniel Featley, who had bound themselves together to maintain views which doubtless leaned too much towards the Calvinistic side. It may be presumed that this gentleman's zeal, in his position as champion of a party, led him beyond the due bounds of discretion; for on account of some misbehaviour he was required by one of his superiors to leave the assembly, and to betake himself to his own home at Lambeth. As he made his journey thither on horseback from Oxford, attended by two poor men, some of his friends accompanied him on his way as far as Bullingdon Green, where he bid them farewell[7] in such Latin as he could command. This fact may be learnt from a somewhat doleful relation of the circumstances given by Dr. William Leo, who had served with him in three convocations, and seems to have been one of his devoted adherents.

[i] Comp. Hist. iii. 7, note.

This synod[j], having made a grant of three subsidies, was dissolved[k] on the 13th day of August, 1625, in the chapel of Merton College.

[j] Comp. Hist. iii. 31.
[k] Conc. Mag. Brit. iv. 469.

XIV. Provincial synods of 1626 N.S.

The two synods[l] met simultaneously on the 7th of February, 1626 N.S. A.D. 1626.

[l] Conc. Mag. Brit. iv. 469-70.

1. Canterbury Synod.

On the day above mentioned the Canterbury Synod assembled[m] at Westminster Abbey.

[m] Conc. Mag. Brit. iv. 469.

Dr. Donne prolocutor again.

Dr. Donne[n], who had previously filled[o] the office in 1624 N.S. was again elected prolocutor of the lower house and confirmed.

[n] Conc. Mag. Brit. iv. 469.
[o] Vid. sup. sec. 11.

Bishop Goodman's sermon.

A circumstance occurred shortly after the assembly of this synod which gave occasion to some warm debates. On the 26th of March[p], the fifth Sunday in Lent, Dr. Godfrey Goodman, bishop of Gloucester, preached a sermon before the king upon the eucharist. That

[p] Cyp. Ang. pt. i. p. 97. Comp. Hist. iii. 34.

6 "Valete a nici nunc temporis: Ego, ut olim Bucerus, sum pila fortunæ, quæ non est omnibus una. Orate pro me, pro Rege, Lege, Grege, iterum valete in Domino Iesu."—Comp. Hist. iii. 7, note.

A.D. 1626. Archbps., George Abbot, Tobias Matthews.

prelate's teaching on this occasion seemed to savour so much of the doctrine of transubstantiation as to offend the audience and raise a clamour. Consequently on the following Wednesday there was some eager debating on the subject in the synod, but no definitive resolutions were agreed to. Eventually the sermon was referred to the Archbishop of Canterbury, the Bishops of Winchester, Durham, and S. David's. These prelates having at his majesty's desire consulted upon the subject, answered that though the writer had introduced some matter into his discourse with too little caution, yet that it contained no false doctrine or denial of the faith of the Church of England. However, they advised that the bishop should preach his sermon [pp] again, with a view of explaining those points which had proved the causes of offence. This was accordingly done, but the performance still fell short of giving satisfaction: and indeed the suspicions generally entertained that this prelate was inclined to Roman error seem not to have been without foundation, as he afterwards unhappily proved by renouncing the faith of the Church of England.

[pp] Coll. viii. 14.

This synod, after eighteen sessions, was dissolved by the Bishop of Salisbury as commissioner for the archbishop on the 16th of June, 1626 [q].

[q] Conc. Mag. Brit. iv. 471.

2. York Synod.

Concurrently with the foregoing the York Synod assembled Feb. 7 [r], 1626 N. S.

[r] Conc. Mag. Brit. iv. 470.

Debate on the subject of proxies.

In the third session [s] Dr. John [t] Scott, at that time filling the place of president, proposed a question for the consideration and discussion of the whole assembly. The purport of the debate was to decide whether proxies [7] might be given to ecclesiastical persons who were not themselves members of the synod, by which they might appear in the assembly as representatives of those who had committed such documents to their charge. After all doubts had been well weighed and mature consideration had been bestowed on the point, it was unanimously decided that no one might appoint, as his proxy to appear for him in synod, any person who at the time of such appointment was not himself a member; and that no person except one so qualified could be appointed either to give a decisive vote or to transact any syno-

[s] March 22, 1626 N. S.

[t] Conc. Mag. Brit. iv. 470-1.

[7] On the subject of proxies, and that proctors as well as the more dignified clergy may appoint them, see above chap. xii. sec. ix.

dical business in the assembly. After two continuations[u] this northern synod was dissolved by Henry Wickam, one of the presidents, with the consent of his colleagues, on the 28th[v] of June, 1626. A.D. 1626. K. Chas. I.

[u] April 26, June 28.
[v] Conc. Mag. Brit. iv. 471.

XV. Provincial synods of 1628 N.S.

The two provincial synods assembled in February, 1628 N.S.[w]; but on this occasion the meeting in the northern preceded that in the southern province. A.D. 1628.

[w] Conc. Mag. Brit. iv. 473.

1. York Synod. Archbishop Matthews dies.

The York Synod met on[x] the 18th of February, and was continued by Archbishop Matthews's commission to a future day; but before that period arrived he passed out of this world in the month of March, 1628. On this account the synod assembled on the next day[y] of meeting, under the presidency of the guardians of the spiritualties, when it voted unanimously from the northern province five subsidies of four shillings in the pound. There were subsequently sundry continuations[z] until the 21st of October[a], 1628.

[x] Conc. Mag. Brit. iv. 473.
[y] May 19.
[z] June 5. 9. July 10.
[a] Conc. Mag. Brit. iv. 476.

2. Canterbury Synod.

The Canterbury Synod succeeded the sister assembly, and met on[b] the 18th of March[c] at S. Paul's.

[b] Conc. Mag. Brit. iv. 473.
[c] 1628 N.S.

Dr. Winniff preacher.

Dr. Thomas[d] Winniff, dean of Gloucester, was the preacher, and delivered his Latin sermon on this text, "Take[e] heed therefore unto yourselves, and to all the flock, over the which the Holy Ghost hath made you overseers, to feed the Church of God, which He hath purchased with his own blood."

[d] Fuller, Ch. Hist. b. x. p. 131.
[e] Acts xx. 28.

Bishops appointed to preside in place of Archbishop Abbot under suspension.

The Bishops of London[f] and Bath and Wells, or in case of their absence the Bishops of Winchester, Norwich, Rochester, and Lichfield, were appointed to act as presidents of the synod in the place of Archbishop Abbot, who was in 1627 suspended from his[g] office on account of his very proper incompliance with the king's wish that he would license Dr. Sibthorp's exceptionable sermon above mentioned[h]. The archbishop lay under this disability through nearly the whole continuance of this synod, not having been restored to his liberty and jurisdiction until[i] Christmas, 1628.

[f] Conc. Mag. Brit. iv. 473.
[g] Coll. viii. 21.
[h] See sec. viii. sup. p. 647.
[i] Coll. viii. 40.

Dr. Curle prolocutor.

Dr. Curle was chosen as[j] prolocutor of the lower house; but his office did not prove[k] a burdensome one.

[j] Fuller, Ch. Hist. b. x. p. 131.
[k] Comp. Hist. iii. 56.

A.D. 1628. Archbps., George Abbot, See of York vacant.

But little synodical business done.

Indeed no further business remains on record, as connected with this synod, save that five subsidies were granted to the king, for which purpose consultations[l] and debates in both houses were held; and that the under-sheriff of Hereford was ordered by the House[m] of Lords "to submit himself to the lower house of convocation;" the said functionary John Dyos having arrested a servant of one of the members of convocation, who claimed privilege and petitioned against this illegal exercise of power.

On the 11th of March, 1629 N.S.[n], this synod was dissolved under a commission directed to the Bishop of S. David's.

XVI. Accession of Archbishop Samuel Harsnet to the see of York.

On the death of Tobias Matthews, archbishop of York, which occurred[o] in March, 1628 N.S., Montaign was raised[p] to that see. But this prelate dying soon afterwards was himself succeeded in the same year by Samuel Harsnet, bishop[q] of Norwich. Harsnet was opposed to the noise and novelty of the puritans, and thus, during his government in his late diocese, he had been the object of some accusations which were introduced into the House of Commons against his managements. However, he replied in such a manner as to disable his adversaries, and give satisfaction both to the parliament and the court. Being now raised to the archiepiscopal see of York, we find a synod of that province held under him.

XVII. York provincial Synod.

A.D. 1629.

The synod[r] of the northern province assembled under a writ directed to the new archbishop, on the 10th of February, 1629 N.S. The chief proceedings left on record refer to the protection from arrest granted by the synod to six of its[s] members; but into the particulars of this proceeding it is here unnecessary to enter, as the subject has been treated of above[t] once for all. This synod was dissolved on the 22nd of March, 1629 N.S., by Henry Wickam[u], with the consent of his co-presidents.

After the dissolution of this assembly no provincial synods were convened for some years, for times of trouble overtook this nation which caused the intermission of all her public constitutional assemblies[v]. We shall, therefore, have to take a wide step forwards before meeting with any synodical records on the pages of our country's history.

[l] Conc. Mag. Brit. iv. 476.
[m] Lathbury, p. 241, note. Pearce, Law of Conv. pp. 49-50.
[n] Conc. Mag. Brit. iv. 476.
[o] Rose, Biograph. Dict. in verbo.
[p] Coll. viii. 42.
[q] Rose, Biograph. Dict. in verbo.
[r] Conc. Mag. Brit. iv. 476.
[s] Conc. Mag. Brit. iv. 476.
[t] See above, chap. xiii. sec. ix.
[u] Conc. Mag. Brit. iv. 476.
[v] Wake's State, p. 515.

XVIII. House of Commons affects synodical functions.

The House of Commons had lately invested itself with the functions of[w] a synod, and shewed an undisguised wish to usurp all authority in ecclesiastical matters. Notwithstanding the king's declaration[x] prohibiting disputes about religion in the last[y] parliament, the members now took leave to debate on[z] that subject with remarkable freedom. Indeed the lower house appointed a committee to inquire into the pardons[a] granted to Mr. Montague, Dr. Manwaring, Dr. Sibthorp, and Mr. Cosens, whose religious sentiments had proved unacceptable to the puritan party. That the House of Commons might be excited to ramble still more extravagantly beyond the proper bounds of their function, a book entitled "*Sion's Plea*" was[b] dedicated to that body by one Leighton, a Scotchman, by profession a doctor of physic, in practice a fiery puritan. In his "frantic performance" this professor of the healing art advised the commons to "kill[c] all the bishops and to smite them under the fifth rib." The queen he designated as "an idolatress, a Canaanite, and a daughter of Heth." Such coarse railleries do not reflect much credit on the cause they were meant to serve, however acceptable they may have proved to that assembly which was selected as their patron.

The affectation by this parliament of interpretation in matters spiritual appears moreover particularly remarkable in this respect, that the commons registered a vow, at least so it is designated[d] by Rushworth, in which they record a very stringent confession of faith, protesting their sense of the thirty-nine articles of religion, and, to use their own words, "rejecting the sense[e] of the Jesuits and Arminians and all others wherein they differ from us." These parliamentary resolutions on the deep mysteries of the Christian faith are above measure surprising, as such subjects would seem upon consideration to be more fit for national or provincial synods. Yet the lower house was constantly exercising itself in such matters, altogether foreign to its proper business. One would incline to think that the questions of tonnage and poundage which then somewhat excited the public mind would have supplied less exceptionable matter for deliberation. For such theological inquiries as these into which our civil legislators now wandered they were neither qualified by their profession

A.D. 1629. K. Chas. I.

[w] Warner, Eccl. Hist. ii. 518. Cyp. Ang. ii. 98.

[x] Comp. Hist. iii. 51.

[y] A.D. 1628.

[z] Comp. Hist. iii. 51. 55. 57, and Cyp. Ang. pt. i. p. 126.

[a] Comp. Hist. iii. 51. 55. 57, and Cyp. Ang. pt. i. p. 126.

[b] Cyp. Ang. pt. i. p. 126.

[c] Cyp. Ang. pt. i. p. 126.

[d] Coll. viii. 40.

[e] Coll. viii. 41. Warner, Eccl. Hist. ii. 518.

A.D. 1629. Archbps., George Abbot, Samuel Harsnet.

or by previous study; nor, indeed, had they character or authority to bear them out in settling controversies of faith.

Mr. Pym vouches the Lambeth articles for the doctrine of the Church of England.

One of their members, while running out into topics of this character, missed his way to a remarkable degree, and so lost himself in some very perplexing mistakes. This was Mr. Pym, who vouched the "*Lambeth Articles*[f]" for the doctrine of the Church[g] of England; and proceeding upon this assumption would have had the cases of such as differed from that standard examined into. And indeed this gentleman appears to have thought that a contradiction of those articles justly subjected a man to the charge of heresy. But from this it is plain that Mr. Pym's knowledge of the ecclesiastical history even of his own times must have been extremely deficient. Moreover, his essay on this occasion seems to discover some peculiar disqualifications for his present undertaking. For it is beyond question that the "*Lambeth Articles*" never were adopted by the Church of England; and it is to be devoutly hoped that they never will be, whatever stamp of authority may have been impressed upon them elsewhere[h].

[f] Conc. Mag. Brit. iv. 347.
[g] Coll. viii. 42.
[h] See Conc. Mag. Brit iv. 447.

Such proceedings of dangerous consequence.

And here we may remark that the solemn assumption of authority in matters of faith at this time by the parliament was every way absurd, and in a high degree mischievous. For a lay assembly possessing neither character, qualification, nor information necessary for such a purpose to affect the functions of a synod discovers a surprising misapprehension of the foundations on which Christ's kingdom—one not of this world—is raised; and, moreover, portends a downfall to the whole fabric of society at large. When the cloud of theological controversy, be it but small as a man's hand, rises in such a quarter rough weather may be surely foretold, and a tempest expected which will sweep all before it. For not only when the horizon thus threatens is the shipwreck of the Church imminent, but all national rights and liberties are in danger of being cast away. Such omens, if we are to profit by the history, not only of our own, but of other lands, should be regarded as warnings of significance by sovereigns as well as subjects.

A.D. 1633.

XIX. Death of Archbishop Abbot.

On the 4th of August[i], 1633, Archbishop Abbot departed from this life. His successor

[i] Coll. viii. 68.

bot and accession of Archbishop Laud to the see of Canterbury.

William Laud, bishop of London, had been already designed by the king for promotion to the see of Canterbury. Upon the return of this prelate from Scotland, where, as privy councillor for that kingdom, he had been engaged[j] in attendance upon his majesty, the king saluted him with this expression[k], "My lord's grace of Canterbury, you are very welcome." Within six weeks the new archbishop took up his abode at Lambeth Palace, where his accession was celebrated by a magnificent entertainment.

A. D. 1633. K. Chas. 1.

[j] Coll. viii. 67.

[k] Coll. viii. 73.

Somewhat of the latter prelate's character.

Thus was the see of Canterbury filled with a prelate who, had he lived in good times, would have secured the admiration of his own age and of posterity too. But as his lot placed him in the worst, however highly subsequent generations may estimate his worth, the one in which he lived consigned him to martyrdom. He was a man[l] of noble spirit, quick apprehension, lively wit, sociable conversation, and of pleasant humour on fit occasions. Very zealous for the faith he professed, he not only maintained it in public regards, but was peculiarly observant of the private and personal duties of religion, being constant in attendance on common prayer in his chapel, and spending much time in private devotion within his closet. He was a learned divine, and thoroughly master of those subjects which lay within his function. He was, moreover, of unblemished integrity, and of a generous and munificent disposition; for enjoying ample opportunities of self-enrichment he not only declined to make use of them, but devoted his substance to works of generosity and piety, so that such small private fortune as he had was exhausted by his benefactions, of which Oxford and Reading specially partook. In fine, he was a person of exemplary piety and devotion towards his God, an honest ruler in the Church, a faithful subject of his sovereign, and by far too constant and conscientious a man to pass easily with that age of political frenzy and fantastical hypocrisy in which his lot was cast.

[l] Cyp. Ang. pt. ii. lib. 5, p. 58. Coll. viii. 285.

XX. Intermission of synods and parliaments in England.

The troubled character of that era in our history at which we have now arrived, caused an intermission[m] for eleven years in the public constitutional assemblies of England. During that space of time many events of deep interest and of grave

[m] From 1629 to 1640.

A. D. 1633. Archbps., William Laud, Richard Neile.

consequence to this Church and nation occurred. At these, however, our present purpose does not lead us even to glance. the provincial synods lying dormant together with the parliament. We must therefore pass on at once to the year 1640. It may however be remarked by the way, that under conceivable circumstances a synod of the Church might be very needful at a time when a parliament was unnecessary or undesirable, and consequently the principle of thus limiting the Church's requirements in this respect by the exigencies of the civil state does not altogether commend itself as universally applicable.

XXI. Provincial synods of April 1640.

A. D. 1640.

On the day following the meeting of that short parliament[n] which assembled[o] April 13, 1640, and was dissolved on the 5th of May next ensuing, the two provincial synods met—that of the southern[s] province at S. Paul's[p], and that of the northern at York Minster[q].

n Comp. Hist. iii. 102.

o Card. Syn. ii. 593, note.

p Conc. Mag. Brit. iv. 538.

q Conc. Mag. Brit. iv. 533.

1. Canterbury Synod.

Archbishop Laud left Lambeth in his barge on Tuesday[r] the 14th of April, 1640, between eight and nine o'clock in the morning. Having been received at Paul's wharf by the advocates, proctors, and officers of the Arches Court, he proceeded in a carriage to the palace of the Bishop of London. Thence, accompanied by the retinue before mentioned, his grace, clad in his proper vestments, was conducted to the northern door of S. Paul's cathedral; at that point he was met by Dr. Thomas Winniff, the dean, Drs. Henry King and John Montfort, canons, with other clergy of the church, in their surplices, who led him into the choir, the suffragan bishops of the province, clad in their customary convocation robes, joining in the procession. After the archbishop[s] had taken his place in the dean's stall, and the bishops in those of the prebendaries on each side of the choir, the hymn "Te Deum Laudamus" was sung.

r Sess. 1, April 14. Syn. Ang. pt. ii. p. 13. Conc. Mag. Brit. iv. 533. Cyp. Ang. pt. ii. p. 110.

s Syn. Ang. ii. 14.

Dr. Turner's sermon.

Dr. Thomas Turner, one of the canons residentiary of the cathedral and chaplain to the archbishop, then mounted the pulpit placed in the middle of the choir, and preached the Latin sermon on this text; "Behold[t], I send you forth as sheep in the midst of wolves: be ye therefore wise as serpents, and harmless as doves." From

t Matt. x. 16.

[s] For a detailed list of the members of this convocation, see Nalson's Collections, vol. i. pp. 351 seq.

these words, suitable enough to those unhappy times, the preacher delivered a polished and eloquent discourse. At the close of it he complained that the reins[u] of Church government were not held by all the bishops with an even hand, but that some of them were too lax in their managements. Thus it happened, as he said, that while some affected popular applause for qualities of meekness and mildness, the imputation of rigour, and even of tyranny, attached by comparison to others who were more justly severe. And so he put them in mind that all with equal care should press a like conformity. A.D. 1640. K. Chas. I.

[u] Fuller, Ch. Hist. b. xi. p. 167.

Formal business transacted.

When the sermon ended[v] the choir sang the psalm, "O Lord, make thy servant Charles," &c., and then the archbishop, with his suffragans and other members of the synod, repaired to the chapter-house. There the usual formalities were gone through, such as the reading of the royal[w] writ and the exhibition of the Bishop of London's certificate. After which the archbishop addressed a Latin speech to the lower clergy, in which he desired them to retire to their usual place, to choose their prolocutor, and to present him on the 17th of April then next ensuing in K. Henry VII.'s chapel at Westminster.

[v] Syn. Ang. ii. 14.

[w] Syn. Ang. ii. 15.

Dr. Richard Steward prolocutor.

The clergy having betaken themselves to the chapel of S. Mary the Virgin at the eastern end of the cathedral, chose[x] as their prolocutor Dr. Richard Steward, dean of Chichester; Dr. Gilbert Sheldon, warden of All Souls' College, Oxford, being at the same time appointed to present. The dean of S. Paul's, Dr. Thomas Winniff, carried back to the archbishop and his suffragans information of the business transacted by the clergy; and then, absentees having been pronounced contumacious, the first session of this synod broke up.

[x] Syn. Ang. ii. 16.

Confirmation of the prolocutor.

The next[y] meeting took place in K. Henry VII.'s chapel, Westminster, on Friday the 17th of April. After prayers Dr. Robert Newell, subdean of Westminster, attended by his brother prebendaries[9] and some witnesses, presented the Westminster protestation of privilege. This formal business concluded, the new prolocutor,

[y] Sess. 2, April 17. Syn. Ang. ii. 17.

[9] Drs. Thomas Wilson, Peter Heylin, Jonathan Brown, Griffith Williams, William Heywood, George Aglionby, with Robert Cooke, a notary public, and other witnesses.—Syn. Ang. pt. ii. p. 18.

A.D. 1640. Archbps., William Laud, Richard Neile.

Dr. Richard Steward, was presented by Dr. Sheldon, who delivered an eloquent address on the occasion. After a Latin speech equally worthy of commendation made by the prolocutor, who disabled his own worth, but yet professed himself willing to undertake the office conferred[z] on him, the archbishop, with the consent of his suffragans, confirmed and approved of that gentleman's election.

[z] Cyp. Ang. ii. 111.

Archbishop Laud's speech introducing royal licence to enact canons.

Archbishop Laud then proceeded to address the synod in a Latin oration. This discourse lasted for well-nigh three quarters of an hour; it was gravely uttered, the speaker's eyes being scarce[a] restrained from weeping. The topics introduced he treated for the most part in general terms, bemoaning the distempers of the Church; but towards the conclusion of his address, the special subject of the king's[b] licence, now granted to treat[bb] of subsidies and frame canons[c] for the regulation of the ecclesiastical state, was mentioned[d]. And here[e] the archbishop put the synod in mind how deeply they were indebted to his majesty's confidence and favour, for trusting the ability and integrity of the assembly so far as to give them a commission for altering old canons and framing new ones, the like whereof had not for many years before been granted.

[a] Fuller, Ch. Hist. b. xi. pp. 167-8.

[b] Vid. sup. pp. 367-8.
[bb] Syn. Ang. ii. 20.
[c] Nalson's Collections, i. 358.
[d] Cyp. Ang. ii. 111.
[e] Fuller, Ch. Hist. b. xi. pp. 167-8.

Sundry heads of synodical business.

The clergy[f] so gratefully[g] acknowledged the confidence thus placed in them, that "for[h] the support of his majesty's royal estate and the effectual furtherance of his most royal and extraordinary designs abroad" they voted six subsidies[i] of four shillings in the pound, and, indeed, promised[j] more if they had power to make a larger levy. For the promotion[k] of this business a joint committee[l] was now formed, and the matter[l] appears to have been unanimously decided upon at a subsequent session[m].

[f] Sess. 3, April 22.
[g] Cyp. Ang. ii. 112.
[h] Cyp. Ang. ii. 112.
[i] Syn. Ang. ii. 21.
[j] Syn. Ang. ii. 21.
[k] Syn. Ang. ii. 22.
[l] Syn. Ang. ii. 27.
[m] Sess. 5.

The archbishop also proposed that a form of prayer should be provided, in order to intercede[n] with Heaven that the parliament might be disposed to unite with the convocation in promoting God's honour, the good of the Church, and the

[n] Syn. Ang. ii. 23.

[1] From the upper house, Joseph, bishop of Exeter, Matthew, bishop of Ely, Robert, bishop of Bristol; from the lower, Isaac Bargrave, dean of Canterbury, Thomas Wynniff, dean of S. Paul's, Thomas Paske and Thomas Wilson, archdeacons of London and Westminster, John Lambe, proctor for the clergy of Lincoln, and Peter Heylin, proctor for the Westminster chapter.—Syn. Ang. pt. ii. 22, 23.

tranquillity of the realm. For preparing this form of prayer his grace's chaplains, Drs. William Bray and John Oliver, were selected by the lower house. These gentlemen soon accomplished their task, and at a subsequent [o] session [p] brought in the form of prayer beginning "Omnipotens et sempiterne Deus," which was approved of by the upper house, and after one [q] verbal addition an order was made that it should be daily read in convocation, immediately before the benediction.

A.D. 1640. K. Chas. I.

[o] Sess. 5.

[p] Syn. Ang. ii. 27.

[q] Of the word "Anglicanæ."

A consultation was also held between the primate [r] and the clergy respecting the framing of some canons for the suppression of Jesuits, Roman priests, and others of that persuasion; and copies of those instruments were delivered in schedules to the prolocutor for publication in the lower house, accompanied also with an order that they should not pass out of the hands of that gentleman to whom they had been entrusted. These papers [s] seem however to have been afterwards withdrawn by the archbishop, who thinking that this matter should specially proceed from himself, desired to give the subject further thought, and then subsequently returned the documents to the clergy, who passed them in the form prescribed by his grace. They constituted perhaps the third of those canons passed soon after, and which in due course we shall have to consider. While this matter was under consideration drafts of several other canons were prepared, one for "[t] the keeping of the day of his majesty's inauguration; one against the Socinian heresy; and one for the restraint of sectaries, by which the penalties proposed in the canon against popish recusants were to prevail, to some extent, against Anabaptists, Brownists, Separatists, Familists, and others who refused to hear divine service, or partake of the holy communion in their parish churches." These drafts referred to the seventeen canons [tt] subsequently enacted.

[r] Syn. Ang. ii. 23.

[s] Cyp. Ang. ii. 112.

[t] Cyp. Ang. ii. 113, 114. Coll. viii. 182.

[tt] Vid. inf. pp. 669 et seq.

The times were now so uneasy, and such deep prejudices existed against the king himself and against the synods of the Church, on account of their loyalty towards their sovereign, that it was necessary to keep their debates secret from the public, and orders were consequently issued to [u] restrain the publication of any synodical acts, whether relating to subsidies or ecclesiastical canons, until they had been finally ratified by the convocation and approved by his majesty.

[u] Sess. 5. Syn. Ang. ii. 26, 27.

A.D. 1640. Archbps., William Laud, Richard Neile.

Question arises whether, on a dissolution of parliament, the provincial synods are dissolved as a matter of course.

The parliament sitting acourse with this synod was[v] suddenly dissolved, as was said, on the 5th of May. The king had sent a message to the commons reminding them of supplies, at the same time taking notice of the intolerable conduct of which the Scotch had been guilty. It[w] is said that Sir Henry Vane, one of the principal secretaries of state, being desired to propose six subsidies asked for twelve. This demand, being considered excessive, surprised the commons and disturbed their temper; and, in consequence, as they proceeded to engage in some unserviceable debates, the parliament was dissolved by the king, under the advice of his council.

And now a question arose whether by a dissolution of the parliament the convocation also was dissolved as a matter of course. On this subject a great difference of opinion existed; and[x] indeed some members of the synod itself appear to have been jealous and suspicious of their own powers. They were more willing to be censured for inactivity than to run the risk of being charged with excess of zeal. Considering the dangerous and discontented times on which they had fallen, they entertained some fear lest, if life should be imparted to that assembly which had now lain dormant for so many years, the members themselves should be induced to overact their parts.

There was, indeed, a prevailing opinion that the convocation would end with the parliament, and therefore when the synod met on[y] Wednesday, May 6, some surprise was displayed upon the assembly's being again continued, for one of the clergy had acquainted[z] the archbishop that there was a precedent in Q. Elizabeth's time for pursuing such a course. And, moreover, a motion[a] had been made that the present opportunity should be improved for perfecting the canons which had been begun. To settle these doubts a good deal of pains[b] was taken by some members who had studied the convocational records in order to shew the difference between a writ for summoning the parliament and that for calling together a convocation. The variety in form and the independence of one body upon the other was urged. The distinction between the writ of summons and the commission to make canons was also pressed, and it was argued that if the commission for making canons[c] expired with the parliament, yet that the writ by

v Comp. Hist. iii. 103-4. Card. Syn. ii. 593, note.
w Coll. viii. 180-1.
x Fuller, Ch. Hist. b. xi. p. 168.
y Cyp. Ang. ii. 115.
z Cyp. Ang. ii. 115.
a Fuller, Ch. Hist. b. xi. p. 168.
b Cyp. Ang. ii. 115.
c Coll. viii. 182.

which convocation was summoned to deliberate remained in force until the assembly was dissolved by another like document. This last distinction[d], one which seems above the comprehension of many gentlemen in the present day, disabled opponents, and gave satisfaction to the majority present, though the continuance of the synod was still warmly opposed by some of its members. This[e] party was composed of Drs. Brownrigg, Hacket, Holesworth, and Mr. Warmistre, one of the proctors for the Worcester diocese, with thirty-two others in the lower house. These gentlemen pressed with great importunity for the dissolution of the assembly, and thought that it would be an ill omen for convocation to sit when parliament was defunct. But as there attended at this time in the lower house about one hundred and twenty members, this opposition, supported only by less than a third of the whole body, was unavailing.

A.D. 1640. K. Chas. I.

[d] Coll. viii. 182.

[e] Fuller, Ch. Hist. b. xi. p. 168. Coll. viii. 183.

This question determined in the negative by members of the learned profession.

However, to silence[f] all doubt, his majesty proposed the question on May 10 to the chief lawyers then about him, upon which those learned persons subscribed an opinion which knocked down the dispute. It[g] ran as follows: "The convocation called by the king's writ under the great seal doth continue until it be dissolved by writ or commission under the great seal, notwithstand the parliament be dissolved.

[f] Cyp. Ang. ii. 115. Clarendon's Hist. Reb. i. 205.

[g] Conc. Mag. Brit. iv. 540. Syn. Ang. ii. 33. Cyp. Ang. ii. 115.

"Jo. Finch, C.S. "Edward Littleton
"H. Manchester "Ralph Whitfield
"John Bramston "Jo. Bankes
"Ro. Heath."

A second royal licence to enact canons issued.

The first of these subscribers was lord keeper, the second lord privy seal, the fourth chief-justice of the common pleas, and the sixth attorney-general. Supported by such grave authority, the continuance of the convocation under the original writ of summons appeared to be justified by the constitution, and a fresh royal licence to enact canons was prepared.

Riotous mob threaten in vain Lambeth Palace and the convocation-house.

At this conjuncture Archbishop Laud, who had fallen under the displeasure of the mob, became the special object of their fury, for on[h] Monday, May 11, his palace at Lambeth was attacked for two hours by a rabble rout of Anabaptists, Brownists, and other sectaries, to the number of more than five hundred;

[h] Cyp. Ang. ii. 115. Coll. viii. 183.

A.D. 1640. Archbps., William Laud, Richard Neile.

some of whom were by the way afterwards punished for their share in this outrage. However, as these malcontents were unable to carry that position, they determined to divert the assault, and play off their battery on the convocation. But that assembly was not only fortified by the new royal commission above mentioned; more sensible means of defence were provided in the shape of a guard[i] marched down to Westminster under the king's sanction, and consisting of some companies of the trained bands of the county of Middlesex, commanded by Endymion Porter, one of the grooms of the bedchamber, a man of honest purpose, and well affected to the Church, his country, and his sovereign.

[i] Cyp. Ang. ii. 115.

The synod again settles to business.

Supported[j] by such[k] reinforcements, the synod settled down to its proper occupations again on[l] Wednesday, May the 13th, and proceeding under constitutional authority to enact canons thought necessary for those times, the members dispatched their work with speed and courage. The archbishop, having first addressed his suffragans on the subject of the tumultuous riots which disturbed London and its suburbs, desired the attendance of the lower house. Upon their appearance his grace exhibited the new royal commission to enact canons[m], which was read aloud by Sackville Wade, the deputy-registrar. This[n] new commission, dated May 12, was identical with the former document introduced on April 17, with the exception of a clause repealing the old commission, and specifying the duration of the new one. The previous commission was limited to the time of "the present parliament;" the present one was to last "during our will and pleasure." And further[o], the opinion of the learned gentlemen of the long robe above referred to, as to the continuance of convocation after the dissolution of parliament, was communicated to the assembly. For arranging the levy of the[p] extraordinary benevolence to the king, and for transacting the business of framing canons, matters which could not be managed conveniently by so large a body, a committee of the lower house was appointed to prepare the forms and mature the business for the ratification of the whole synod. The members who were selected to form this committee appear to have been those mentioned below[2], in number fourteen.

[j] Sess. 10.
[k] Clarendon's Hist. Reb. i. 148.
[l] Syn. Ang. ii. 30.
[m] Syn. Ang. ii. 31.
[n] Comp. Hist. iii. 110.
[o] Comp. Hist. iii. 110.
[p] Syn. Ang. ii. 31.

[2] Dr. Steward, prolocutor; Isaac Bargrave, Thomas Wynniff, Richard Baily,

Before this session broke up, the archbishop[q] recommended to the upper house that a book of articles for visitations should be compiled, and also a form for the consecration of churches, chapels, and cemeteries.

A.D. 1640. K. Chas. I.

[q] Syn. Ang. ii. 32.

The king desires the synod to proceed with energy.

On[r] Friday, May the 15th, Sir Henry Vane, secretary of state, came down to the synod with a message from the king. The archbishop, with the consent of his suffragans, determined that the honourable messenger should be admitted into the assembly, and upon the appearance of the prolocutor and the lower house Sir Henry was graciously received by his grace, and[s] placed in a seat on the archbishop's left hand. The secretary then delivered his royal master's message, which was to the effect that[t] as the king had granted his commission to the synod to enact canons, so he desired that they would proceed quickly in that business, and that no member would withdraw from the synod until that object was completed. After[u] the secretary's address was finished, he retired with the archbishop to Whitehall, in order to hold a consultation with his majesty on the matters now under hand.

[r] Sess. 11. Comp. Hist. iii. 110. Syn. Ang. ii. 33, 34. Conc. Mag. Brit. iv. 540.

[s] Syn. Ang. ii. 34.

[t] Comp. Hist. iii. 110.

[u] Syn. Ang. ii. 35.

Sundry heads of business transacted.

The[v] next session, held on the following day, was taken up with divers business. Heads of some of the canons[w] afterwards enacted were brought up by the prolocutor[x]. Complaints of the lower clergy were entertained relating to the substraction of their fees for churchings, marriages, and burials, and also respecting the ill conduct of churchwardens. For rectifying such abuses the upper house determined that recourse should be had to his majesty's attorney-general. The subsidies of four shillings in the pound were also finally concluded on, and ratified with[y] provisions for levying them under ecclesiastical censures. And here we are to observe that great offence was given because this benevolence was granted by the clergy to their sovereign in his need without any confirmation of the civil legislature. It had indeed been usual, since the thirty-seventh

[v] Saturday, May 16.

[w] Syn. Ang. ii. 35, 36.

[x] Conc. Mag. Brit. iv. 540.

[y] Comp. Hist. iii. 110.

respectively deans of Canterbury, S. Paul's, and Sarum; Thomas Paske, Andrew Binge, Ralph Brownrigg, respectively archdeacons of London, Norwich, and Coventry; John Montfort and Gilbert Sheldon, respectively proctors for the chapters of S. Paul's and Gloucester; John Lambe, Benjamin Laney, Thomas Turner, Edward Franklin, and Gilbert Ironside, diocesan proctors.

A. D. 1640. Archbps., William Laud, Richard Neile.

year of K. Henry VIII., for the parliament to pass [z] an act for the ratification of the synodical subsidy, but still the clergy, by the ancient [a] constitution of this country, had certainly a right to vote their own money, and to enforce the levy of it without parliamentary sanction, a right which they had exercised so lately as in Q. Elizabeth's time. But perhaps the members of this parliament felt now some reasonable shame that the clergy had shewn a mark of substantial respect for their sovereign, which they themselves refused to pay: and hence the ill will.

[z] Coll. viii. 192.

[a] Cyp. Ang. ii. 123.

It may [b] be remarked that in this synod it was intended to provide an English pontifical which was to contain—1. the form and manner of royal coronation; 2. a form for consecration of churches, churchyards, and chapels; 3. a form for reconciling penitents and apostates. These three [c], together with the office "of confirmation" and that "of ordering bishops, priests, and deacons" then in force, were to make up one volume. But this design, which has never to this day been carried out, and which would have supplied a sensible defect in the English Church, unhappily came to nothing.

[b] Comp. Hist. ii. 111, note.

[c] Cyp. Ang. ii. 122.

The book [d] of articles [dd] above mentioned proposed for the use of all bishops and archdeacons in their visitations was considered, as were [e] also the complaints made in parliament against the sermons of some clergy, and [f] specially against that of Dr. Beale, a member of convocation. A petition [g] was put up by one of the Welsh proctors for corrections of the press in the Welsh liturgy, and for the translation into that language of the form of prayer for the king's inauguration. A short form of prayer to [h] precede sermons was also offered to the synod; but this motion at the instance of the archbishop fell through, his grace being satisfied with the canon [i] on the subject. There was moreover a proposition [j] made by Dr. Gryffith, a proctor for one of the Welsh dioceses and a moderate man, that a new edition of the Welsh church Bible might be put forth, the one now in use, translated about sixty years before by the help of Bishop Morgan, being, as was said, both corrupt and defective; and these charges were maintained by instances [3].

[d] Syn. Ang. ii. 46. Comp. Hist. iii. 111, note.

[dd] Vid. sup. p. 667.

[e] Sess. 13.

[f] Syn. Ang. ii. 38.

[g] Syn. Ang. ii. 45.

[h] Cyp. Ang. ii. 122.

[i] 55th.

[j] Cyp. Ang. ii. 122. and Coll. viii. 184. Fuller, Ch. Hist. b. xi. p. 170.

[3] In this Welsh translation verse 23 of Exod. xii. (where it is said that the Lord will pass over the doors where blood was sprinkled) was omitted, and this maimed the sense of the whole chapter. In Habakkuk ii. 5 the words "he is a proud man" were omitted.—Coll. viii. 184. Fuller, Ch. Hist. xi. 170.

This motion proving acceptable to the synod the revision was committed to the four Welsh bishops; but their undertaking on account of the ensuing troubles met with no success. Petitions from certain inhabitants [k] of S. Clement Danes and S. Mary in the Savoy were exhibited; upon which one John Crosse, a butcher, and William Stevenson of the same craft, with Roger Barton's wife offered themselves as witnesses to prove the allegations contained in the schedules, which appear to have attributed some improper management in their respective offices to Mr. John Allen, a notary public, and one Arthur Coleman, an apparitor of the Archdeacon of Middlesex. The unanimous [l] consent of the whole synod was further obtained to a proposition, that a petition should be put up to the king for a reprint of the English liturgy in Latin. This arose from a motion of the archbishop [m], who, it seems, desired that in colleges and halls of the universities the Latin form of prayers should be used; and for this wish it is plain that he had some grounds, as derived from the third head of the preface to the Common Prayer Book, and from the example of Christ Church, Oxford, where prayers had constantly been offered in Latin, a custom which prevails there to this day. Such were sundry heads of business brought before the notice of this synod.

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[k] Syn. Ang. ii. 50.

[l] Syn. Ang. ii. 52.

[m] Cyp. Ang. ii. 122, 123.

The seventeen canons of 1640.

The most important work however of this assembly was the ratification of seventeen canons, popularly known as "*The Canons of* 1640."

Some opposition to them in the upper house.

Those canons were not [n] passed without some slight clashing in both houses; in the upper on the part of Godfrey Goodman, bishop of Gloucester, who it appears denied the legal constitution of [o] this synod for the enactment of canons, though he admitted its authority for the levy of subsidies. This fine distinction probably was suggested to that divine by his disgust at the sally in the third canon now before the synod against popish recusants, a party for which he had [p] a peculiar tenderness, not to say regard.

[n] Cyp. Ang. ii. 117, 118.

[o] Syn. Ang. ii. 44.

[p] Comp. Hist. iii. 111.

Some heats in the lower house.

In the lower house some little heat was excited, specially on the subject of the position of the communion table; a matter involved in the seventh of these canons. The consideration of this question was then of extreme

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importance from the fact of the communion tables having been moved, in some instances, into the bodies of the churches; but this canon required them to be replaced in their proper position and railed in. For the better management of this canon a committee of twenty-seven members[q] of the lower house, including the prolocutor, was appointed. It was however[r] clearly understood that no decision should be considered as final until it had been thrice voted by the whole assembly. This committee met in K. Henry[s] VII.'s chapel, Westminster, after the morning sessions of the synod were concluded, and was there accommodated with the table provided for the use of the upper house. It was arranged that the prolocutor should first deliver his opinion, and that each member in turn should then speak to the points in question. The last address was to be made by the proctor for the chapter of Westminster, the learned[ss] Peter Heylin, who was prepared to answer any arguments which might be brought against the proposed canon, and might not have been refuted by a previous speaker. When the prolocutor had taken the several opinions he declared that the majority by far agreed that the Lord's[t] table should be placed where the altar had originally stood, and that reverences should be made to it on entering and departing from church. The members of the committee present agreeing unanimously, at least so far as appeared, to these regulations, one of the proctors for the diocese of Bristol produced a canon ready-drawn, suitable, as he thought, for the occasion; but being somewhat heady in its style this paper was rejected, and a subcommittee appointed to prepare a less exceptionable document.

[q] Cyp. Ang. ii. 117.

[r] Fuller, Ch. Hist. b. xi. p. 169.

[s] Cyp. Ang. ii. 117.

[ss] Syn. Ang. ii. 23.

[t] Cyp. Ang. ii. 118.

The Archdeacon of Huntingdon misbehaves himself remarkably.

This matter arranged the committee fell to other business. And all would have passed smoothly enough, but that the archdeacon of Huntingdon, Dr. Richard Oldsworth[tt], who arrived behind time and was discontented because the question of the position of the communion tables had been decided in his absence, warmly pressed that the debate might be resumed, in order to give him the opportunity of delivering his mind against the vote which had been passed. The prolocutor, as might be expected, refused so unreasonable a request; upon which the archdeacon lost his temper, and was further unwise enough to display his warm humours by coarse usage of the

[tt] Nalson's Coll. vol. i. p. 352.

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former gentleman. This practice, however, proved unserviceable enough to the archdeacon's character, for he was subsequently ordered, on complaint of the prolocutor, by the majority of the lower house to quit that assembly, and was only restored upon apology after his heats had subsided.

The seventeen canons of 1640 concluded in the synod.

These appear to have been the only skirmishes during the operations of the synod, which, on the whole, mastered the position in view with vigour and unanimity. Indeed, the constitutions and canons of 1640, its chief work, considering the storms and tempests surrounding, were passed with admirable quietness and calm determination. the work, as has been said, proceeding "like[u] the first building of the Temple, without the noise of axe and hammer." Those canons are in number seventeen, and bear the following titles:—

[u] Cyp. Ang. ii. 123.

1. Concerning[v] the regal power; 2. for the better keeping of the day of his majesty's most happy inauguration; 3. for the suppressing the growth of popery; 4. against Socinianism; 5. against sectaries; 6. an oath enjoined for the preventing of all innovations in doctrine and government; 7. a declaration concerning some rites and ceremonies; 8. of preaching for conformity; 9. one book of articles of inquiry to be used at all parochial visitations; 10. concerning the conversation of the clergy; 11. chancellor's patents; 12. chancellors alone not to censure any of the clergy in sundry cases; 13. excommunication and absolution not to be pronounced but by a priest; 14. concerning commutations and the disposing of them; 15. touching concurrent jurisdiction; 16. concerning licences to marry; 17. against vexatious citations.

[v] Conc. Mag. Brit. iv. 543. Comp. Hist. iii. 111. Card. Syn. i. 380.

The[w] draft of these canons was reduced to form by the 29th of May; and on that day[x] Archbishop Laud, holding a copy in his hands conjointly with the prolocutor Dr. Richard Steward, read them aloud to the assembled synod.

[w] Syn. Ang. ii. 52.
[x] Sess. 26.

Bishop Goodman subscribes reluctantly.

To this document[4] the[y] bishops, with the exception of Godfrey Goodman of Gloucester, subscribed their names, the clergy following their example, and giving their full assent and consent. The archbishop, however, thinking that the incompliance of the

[y] Conc. Mag. Brit. iv. 541.

[4] The original book of canons, subscribed by the hands of the prelates and clergy, is now in the paper office MS.—Comp. Hist. iii. 111.

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Bishop of Gloucester might produce ill effects, for indeed[z] the bishop had acquainted his grace the day before that he must decline subscription, became highly offended with that prelate, and in the presence of the whole synod now assembled in K. Henry VII.'s chapel said, "My Lord of Gloucester, I admonish you to subscribe." This admonition the archbishop repeated thrice in vain, the bishop pleading conscience and returning a denial. The fact was that this prelate now stood off on account[a] of the third canon against popery, and though he afterwards complied and took the oath prescribed by that canon, yet his conduct in doing so seems somewhat unaccountable, for in his last illness he professed[b] himself a member of the Roman communion. As the archbishop could not at this time prevail with Goodman to subscribe, the bishops were severally[c] consulted whether he should be proceeded against. To this Bishop Davenant, of Salisbury, in some sort demurred. However, Goodman[d] was suspended *ab officio et beneficio* by both houses, although[e] he did append his subscription at last, which was, nevertheless, supposed to be with some latitude of reservation; and this sentence having been signed and pronounced by the archbishop the king ordered a commitment. The bishop, being confined in the gate-house, though reputed[f] for a Romanist, obtained, notwithstanding, some share of popularity as the only confessor suffering for an opposition to these canons. His imprisonment, however, was but short, for having complied fully to all appearance on the 10th of July[g] following, and having taken the oath enjoined by the new canon, he recovered his liberty.

[z] Fuller, Ch. Hist. b. xi. p. 170, and Nalson's Collections, i. 371.

[a] Coll. viii. 185.

[b] Coll. viii. 186.

[c] Fuller, Ch. Hist. b. xi. p. 170.

[d] Coll. viii. 185.

[e] Syn. Ang. ii. 53.

[f] Fuller, Ch. Hist. b. xi. p. 170.

[g] Coll. viii. 185.

The synod dissolved.

The canons above mentioned having been thus passed in form[5], the synod[h] was dissolved by Archbishop Laud on the 29th of May, 1640.

[h] Conc. Mag. Brit. iv. 542. Syn. Ang. ii. 54.

2. York Synod.

On Tuesday the 14th of April, 1640, concurrently with the last-mentioned assembly, the northern[i] provincial synod met at York cathedral, under the presidency of Archbishop Richard Neile. The first royal licence to review and enact canons was received, read, and entered upon the registers[k] on the 5th[l] of May, the very day on which the parliament was dissolved.

[i] Conc. Mag. Brit. iv. 553.

[k] Conc. Mag. Brit. iv. 553.

[l] Sess. 2.

[5] For the fees payable at this time in convocation, see Nalson's Collections, vol. i. p. 373.

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Second royal licence to enact canons received.

On the 29th[m] of that[n] month a second document of like character was introduced, varying from the former in the same way as the second commission lately granted to the sister synod differed from the first, *i. e.* the assembly[o] was empowered to proceed with ecclesiastical legislation, not merely during "this present parliament," but "during the royal will and pleasure."

[m] Conc. Mag. Brit. iv. 553.
[n] Sess. 3.
[o] Sess. 3.

Dr. Wickam prolocutor.

Dr. Henry Wickam[p], archdeacon of York, was elected prolocutor, and the assembly being thus placed in a position for the due prosecution of synodical business, the seventeen canons lately concluded in the Canterbury Synod were read to the members present by the last-named gentleman. A subsidy was also[q] granted to the king, which was collected, as had been the case in the southern province, without any parliamentary sanction, and in conformity with the[r] precedent laid down in the twenty-ninth year of Q. Elizabeth.

[p] Sess. 4, June 5.
[q] Sess. 5, June 8.
[r] Conc. Mag. Brit. iv. 553.

Seventeen canons of 1640 ratified by this synod.

The most important result however of this assembly was the establishment of the seventeen canons above mentioned, which were now[s] sanctioned by the northern synod as obligatory throughout that province, having been[t] unanimously accepted and signed by the members, without entering into debates either upon their matter or form.

[s] Fuller, Ch. Hist. b. xi. p. 170.
[t] Coll. viii. 186.

The synod dissolved.

The last[u] session appears to have been held on the 26th of June, for business connected with the fees of the proctors and officers of the synod; and shortly after the assembly[v] was dissolved.

[u] Sess. 6.
[v] Conc. Mag. Brit. iv. 553.

XXII. The seventeen canons of 1640 confirmed by royal letters patent.

The seventeen canons having thus received the full and indisputable authority of the national Church, expressed by the voice of both provincial synods, were confirmed[w] by the king's letters patent under the broad seal, on June 13[x], and on the 30th of that month were published with the royal[y] assent affixed, bearing this title—"*Constitutions*[z] *and canons ecclesiastical, treated upon by the Archbishops of Canterbury and York, presidents of the convocations for the respective provinces of Canterbury and York, and the rest of the bishops and clergy of those provinces, and agreed upon with the king's majesty's licence in their several synods begun at London and York* M.DC.XL. *in the*

[w] Coll. viii. 186.
[x] Cyp. Ang. ii. 126.
[y] Fuller, Ch. Hist. b. xi. p. 170.
[z] Nalson's Collections, i. 545. Conc. Mag. Brit. iv. 543. Card. Syn. i. 380.

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year of the reign of our sovereign lord Charles, by the grace of God, king of England, Scotland, France, and Ireland, the sixteenth; and now published for the due observation of them by his majesty's authority under the great seal of England."

Popular outcry against these canons.

When these[a] canons were first published they were received generally with approbation; but after a few weeks some whispers of dissatisfaction were heard among the disaffected London ministers, who with the covenanting Scotch and such as were attached to that party soon raised these whispers to a clamorous outcry. Sundry meetings having been held on this subject, the uproar became so general, especially against the oath enjoined by the sixth canon, that the king, at the suggestion of Dr. Sanderson, and as it seems even of Archbishop Laud himself, determined to suspend the execution of that instrument until the assembly of the next convocation[b]. For this purpose the royal orders were given through Sir Henry Vane, secretary of state; and moreover, the[c] archbishop sent out circular[d] letters to his suffragans, desiring them to forbear pressing the obnoxious test. Notwithstanding all these precautions, the[e] new canons were pelted from press and pulpit, and indeed, assailed with volleys of abuse from every side. However, although they were the special objects of attack, it is not altogether clear but that the real offence which excited such violent heats against the convocations and their performances was their loyalty to their sovereign, and the substantial aid[f] which they had provided, when the parliament had declined to assist him in his needs.

The sixth canon specially disliked as containing an &c. in the oath enjoined.

It was[g] upon the sixth canon, "for preventing of all innovations in doctrine and government," that the enemies' batteries were played off with the greatest vigour. And because this was the chief point of attack, the oath contained in it, which was to be taken by all the clergy, is here inserted[h]:—"I, A. B., do swear that I do approve the doctrine and discipline, or government established in the Church of England, as containing all things necessary to salvation: and that I will not endeavour by myself or any other, directly or indirectly, to bring in any popish doctrine contrary to that which is so established; nor will I ever give my consent to alter the government of this Church by

[a] Comp. Hist. iii. 111.

[b] Comp. Hist. iii. 111.

[c] Comp. Hist. iii. 112.

[d] Dated Oct. 6.

[e] Cyp. Ang. ii. 123.

[f] Nalson's Collections, i. 562.

[g] Conc. Mag. Brit. iv. 549. Card. Syn. i. 402.

[h] Conc. Mag. Brit. iv. 549. Card. Syn. i. 402, and Fuller, Ch. Hist. b. xi. pp. 169-70.

archbishops, bishops, deans, and archdeacons, 'etc.,' as it stands now established, and as by right it ought to stand, nor yet ever to subject it to the usurpations and superstitions of the see of Rome. And all these things I do plainly and sincerely acknowledge and swear, according to the plain and common sense and understanding of the same words, without any equivocation, or mental evasion, or secret reservation whatsoever. And this I do heartily, willingly, and truly, upon the faith of a Christian. So help me God in Jesus Christ."

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The "et cetera" contained[i] in this oath was assailed with explosive bursts of clamour and outcry. It was said to be the "greatest[j] mystery of iniquity" which modern times had invented, and to involve in it such "unfathomable depths of Satan" as that no man could discern the bottom. In fact, it was urged that swearing a man to an "et cetera" involved a mysterious latitude of restraint, and that, by thus tying up the conscience to hidden meanings, the juror was bound by dark obligations to the acceptance of undiscovered particulars.

[i] Coll. viii. 186.

[j] Cyp. Ang. ii. 123.

This matter explained.

All this, however, seems to have been but the suggestion of party heats, the obnoxious "et cetera" having had really no reference to the general tenor of the oath. For we are to observe that the following words had been previously used in the third canon, viz.—"archbishops and bishops, deans, archdeacons, all having exempt or peculiar jurisdiction, with their several chancellors, commissaries, and officials, all persons entrusted with the cure of souls,"—when, therefore, the draft of the sixth canon was made, this unhappy "et cetera" was inserted after the word "archdeacons" to avoid tautology. But this was done with[k] the intention of making the enumeration perfect afterwards, and cutting out the ill-omened contraction before the final engrossment of the document. Unfortunately, on account of the pressure of the times, and the unpopular measure of being obliged to keep up the guard under Endymion Porter before mentioned, for the safety of the Canterbury Synod, the king hastened[l] the proceedings in that assembly, and so the correction of the "etc." in the midst of so much haste was omitted. However, it required but a small spark at this time to kindle a flame. Thus it was supplied, and soon the conflagration became general; for even the next Canterbury Synod seems not to have escaped

[k] Cyp. Ang. ii. 124.

[l] Cyp. Ang. pt. ii. p. 124. Coll. viii. 187.

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altogether unscathed, and, moreover, some of the hot embers falling into the parliament house at their ensuing session, put that assembly very soon in a blaze. But of this as we proceed.

XXIII. Canterbury Synod of Nov. 1640.

On the 4th[m] of November, 1640, the Canterbury Synod again assembled. The first ill omen at its meeting was the[n] news of the death of Dr. Richard Neile, archbishop of the northern province. However, notwithstanding these evil tidings, the Canterbury Synod proceeded to business.

Dr. Bargrave preacher.

The members attended divine service in the choir of S. Paul's cathedral, and after the performance of the sacred offices, Dr. Isaac Bargrave, dean of Canterbury, preached the sermon.

Dr. Steward prolocutor.

The choice of the clergy, in electing their prolocutor, again fell on Dr. Richard Steward, dean of Chichester, the same gentleman who in the previous synod had discharged the duties of that office with much dexterity.

At[o] the next[p] session, held by continuation at K. Henry VII.'s chapel, Westminster, after the usual Westminster protestation of privilege, the new prolocutor was presented, and then Archbishop Laud, in his opening speech, took occasion in sad but eloquent terms to bewail the storm which he saw impending over the Church, and putting the members of the synod in mind of their duties, he bid them stand to their respective posts, and maintain the cause of religion with courage and constancy.

Mr. Warmistre's essay against the seventeen canons lately enacted.

Mr. Warmistre, however, one of the clerks of the Worcester diocese, seems to have disregarded the archbishop's seasonable advice, and to have played the part of traitor to the Church, which one would think his orders bound him to defend. For this gentleman moved that the synod should endeavour, according to the Levitical law, "to cover the pit which they had opened;" meaning by this dark metaphor that they should null the canons made in the last convocation, and so by giving way to popular clamour close up the approaches of any danger in that direction. And though this advice was masked under the appearance of an endeavour to prevent the

[m] Conc. Mag. Brit. iv. 542.

[n] Cyp. Ang. lib. v. p. 7. Comp. Hist. iii. 113.

[o] Sess. 2.

[p] Cyp. Ang. lib. v. 8. Conc. Mag. Brit. iv. 542. Fuller, Ch. Hist. b. xi. p. 172. Comp. Hist. iii. 113. Coll. viii. 193.

assaults of the adverse faction, yet perhaps this comrade was not altogether true at heart; and so directed a volley against that work which he desired himself to see razed. For this proctor had on previous occasions made himself mischievously busy in the synod, though his enterprises had come to nought. Nor was he more successful in his present motion, the clergy being by no means willing to abandon their former labours and prematurely condemn their own operations. However, as his long speech which he made on this subject failed to convince his hearers, he thought fit to publish it, hoping that it might have better success elsewhere. In this performance he ran out into some bitter invective against the seventeen canons, and added some private remonstrances against the proceedings in the last convocation; thus appealing from the voice of the Church to the worst of sanctions—the issues of popularity. All this vulgar merit notwithstanding, these struggles did not preserve Mr. Warmistre from sinking; for when his brethren of the clergy subsequently fell under sequestration he went to the bottom with the rest.

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Sundry heads of synodical business.

The choice[q] of preachers for a fast day now ensuing, viz. the 17th of November, was made in the second session of this synod; and a question was also raised on the election of proctors in the diocese of Lincoln. This subject was again introduced in the seventh[r] session, when a debate arose on the powers vested in the prolocutor. It turned upon the following four questions:—

[q] Conc. Mag. Brit. iv. 542.

[r] Dec. 2.

1. Whether if the prolocutor hears any member of the house to speak any thing which he conceives to be dangerous he may interrupt him?

2. Whether if any speak impertinently?

3. If any one fall into vain repetitions of what was spoken of and satisfied before?

4. Whether he may order that one only should speak at one time?

These questions having been referred to the upper house were all answered in the affirmative, as indeed was most reasonable, with a salvo, however, as regarded the authority of that branch of the synod; and the matter of the Lincoln proctors having been also decided in this session, the assembly

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was continued. Some hitch, however, having subsequently occurred in this last business, it was again brought upon the board on the 27th of January, 1641 N.S.; and finally concluded to the satisfaction of all parties in the session held on the 3rd of February following. A continuation then took place to the 9th of that month.

This synod ended amid confusions of Church and State.

The remaining acts of this synod are lost amid the confusions in Church and State which now prevailed. For on account of Archbishop[s] Laud's committal by the commons to the care of Maxwell, usher of the black rod, on the 18th of December, 1640, the meetings of the upper[t] house of convocation were discontinued; and as for the lower house it by degrees also dwindled away. Thus the southern provincial synod was silenced, and parliament assumed the reins of authority in the management of ecclesiastical discipline, and in the direction of matters of faith. How ill that assembly succeeded in improving those synodical functions, the darkest pages of our national records afford to posterity their melancholy testimonies.

[s] Cyp. Ang. lib. v. p. 11.

[t] Comp. Hist. iii. 114.

XXIV. Parliament of Nov. 1640.

To go back a step in point of time, even before the meeting of the long parliament on the 3rd of November[u], 1640, that party to whom such disastrous results may be subsequently traced in our national history became somewhat vociferous. Among the leaders were Mr. Pym and Mr. Hampden. Language of ominous character was now made use of. Some took leave to say "that their[v] party was then strong enough to pull the king's crown from his head, but the gospel would not suffer them." However, as soon as the voice of the Church was silenced and the clergy were deprived, the malcontents were not long in fulfilling their traitorous threats. Shortly[w] after the meeting of parliament[x] Mr. Pym[y], Sir B. Rudyard, Mr. Bagshaw, Sir J. Holland, Lord Digby, Sir J. Culpeper, Mr. Harbottle Grimstone, and others launched their bolts at the Church with uncommon fury. We have no space here to follow their ramblings or consider in detail their extravagant flourishes of rhetoric, which likened the Pope of Rome[z] to Herod and Archbishop Laud to Pontius Pilate, and dashed off other figures of speech equally discreditable to the skill and the design of their authors. Suffice it to say that some

[u] Echard's Hist. of Eng. iii. 194.

[v] Echard's Hist. of Eng. iii. 188.

[w] Comp. Hist. iii. 112.

[x] Nov. 3.

[y] Echard, Hist. Eng. iii. 196, 197. Nalson's Collections, i. 678. Coll. viii. 190 et seq.

[z] Nalson's Collections, i. 564.

of these gentlemen indulged in the last excesses of coarseness and satire, and dealt more generally in raillery and abuse than in learning and logic. Sir Edward Deering fetched a remarkably wide compass in his course of attack, and finding at last a haven for his spleen in a furious assault upon the character of Archbishop Laud, he concluded his harangue in these words—"that [a] before the year run round he hoped his grace would have either more grace or no grace at all, for our manifold griefs do fill a mighty and vast circumference, yet so that from every part our lines of sorrow do lead to him and point to him as the centre from which our miseries in this Church, and many of them in the commonwealth, do flow."

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[a] Echard, Hist. Eng. iii. 198.

House of Commons attacks the acts of the late provincial synods.

The most popular onslaught, however, in the House of Commons was directed against the acts of the provincial synods held during the last summer, comprising the benevolence to the king, the seventeen canons, and the oath before considered [aa] contained in the sixth of those canons. And here Lord Digby, Sir [b] John Culpeper, and Mr. Grimstone marched forth in determined array to challenge the force of those documents. The subsidies given by the clergy to the king were sufficiently disliked; but the oath containing the "&c." was defined as a "bottomless [c] perjury," as "gross [d] and absurd, as reaching numberless," "fathom [e] deep" in mystery, and as containing "neither divinity [f] nor charity." These extraordinary sallies, which appear to be no way justified by the facts of the case, ended in an order for Mr. Selden, Sir Thomas [g] Widdrington, and Mr. Whistler to get the formal documents under which the summer synods had been continued beyond the last parliamentary session, and by which the convocation subsidies to the king had been confirmed. When the subject [h] was resumed Mr. Bagshaw, Mr. Nathaniel Fiennes, Sir Edward Deering, with some others found occasion to renew their severities against the Church; and that these might be carried into practice Mr. Bagshaw endeavoured to prove from his knowledge of law that the clergy had subjected themselves to the pains and penalties of præmunire.

[aa] Vid. sup. pp. 674, 675.

[b] Comp. Hist. iii. 112.

[c] Lord Digby.

[d] Mr. Grimstone.

[e] Mr. Grimstone.

[f] Mr. Grimstone.

[g] Comp. Hist. iii. 112.

[h] Comp. Hist. iii. 112.

Passes resolutions against the seventeen canons.

The affirmation of this gentleman's view, however, appeared to the commons to be an excessive strain upon the constitution, and so

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the zeal of that assembly was contented with the following two votes, passed Dec. 16:—

"Resolved[i], That these canons and constitutions ecclesiastical, treated upon by the Archbishops of Canterbury and York and the rest of the bishops and clergy of those provinces, and agreed upon with the king's majesty's licence in their several synods begun at London and York, 1640, do contain in them many matters contrary to the king's prerogative, to the fundamental laws and statutes of this realm, to the rights of parliament, to the property and liberty of the subject, and matters tending to sedition and of dangerous consequence."

[i] Comp. Hist. iii. 112, 113. Nalson's Collections, i. 678-9, wrong paged.

"Resolved, That the several grants of the benevolence or contribution granted to his most excellent majesty by the clergy of the provinces of Canterbury and York in the several convocations or synods holden at London and York, 1640, are contrary to the laws, and ought not to bind the clergy."

The House of Commons[j] also shewed a more marked sense of their dislike of the canons in the fifth article of impeachment proposed against Archbishop Laud. But that assembly's constitutional view of this subject is sufficiently expressed in the foregoing resolutions, and seems to require no further elucidation.

[j] Comp. Hist. iii. 113.

But the House of Commons here pressed somewhat hard upon the English constitution of that age.

Now by the foregoing resolutions the House of Commons seems to have taken an odd, and, indeed, a very partial, view of ecclesiastical jurisdiction as previously exercised in England, and as existing at the time under consideration. For it is apparent enough that in accordance[k] with "law and the uncontradicted practice of the Church canons had never been otherwise made than they were on this occasion."

[k] Clarendon's Hist. Reb. i. 206.

But[l] this, we must consider, was a vote passed amid party heats, and promoted by gentlemen who were rather disposed to usurp jurisdiction not belonging to them than to respect the rights of others, the constitution of the country, and the common law of the land. If canons enacted in the proper provincial synods of England, and fortified by a royal licence precedent, as well as ratified by a royal confirmation subsequent to their enactment, were not at that time binding instruments, then from the reformation to the year 1640 no proper canons had

[l] Comp. Hist. iii. 113.

been[m] established in this country, and all execution of such documents had been for several reigns an exercise of unjust tyranny and indefensible usurpation. However, the general practice of the country, the universal consent of all ranks and orders of men, the resolutions of learned judges, and the unbroken acquiescence of the legislature in this matter previously, lead to the necessary conclusion that this House of Commons in its resolutions, at least on the occasion under consideration, ran too fast in advance of the age, and committed itself to decisions which rested on no sure foundations.

A.D. 1640. K. Chas. I.

[m] Comp. Hist. iii. 113.

Indeed, whatever resolutions members of the House of Commons came to at this time, it seems that the assembly itself was by no means sure that those resolutions were just exponents of the facts of the case and of the law. For in proof that these decisions fell short of even satisfying themselves (an uncommon contingency in that age), a bill[n] was subsequently brought in, June 3, 1641, to annul these canons. This bill, however, was abandoned, and a rougher expedient resorted to, viz. an impeachment of the thirteen bishops under whose sanction the obnoxious documents had been drawn.

[n] Card. Syn. i. 386, note.

The canons of 1640 stand on the same footing as those of 1603-4.

Whatever validity[o] attached to the 141 canons of 1603-4 attached in like manner and degree to the 17 canons of 1640. And at this hour they constitutionally stand precisely on the same footing, even notwithstanding the greater degree of authority with which some of the learned profession have chosen to invest the former code in the courts. The argument that the canons of 1640 were invalid on account of their having been passed by synods sitting after the dissolution of the parliament, is disposed of by the resolution of the learned lawyers above mentioned[p], and also by reference to the original constitution of parliaments and synods, "which may certainly[q] act independently on one another." Another argument which has been produced to disable the canons of 1640 is altogether untenable. It has been said[r] that they were annulled by 13 Chas. II. c. xii. s. 5, but a perusal of that section will convince the most prejudiced person that it does not contemplate any fresh restraint on the canons under consideration, but only leaves them in the

[o] Comp. Hist. iii. 113.

[p] Vid. sup. p. 665.

[q] Comp. Hist. iii. 113.

[r] Card. Syn. i. 386, note.

communicated to the Canterbury Synod—The York Synod rises—2. Canterbury Synod—Measures taken by the synod for a review of the Prayer Book—Books and MSS. consulted—Method pursued by the synod in the work of revision—The calendar—Occasional forms of prayer—Conclusion of the work—Form of subscription prepared—The English Prayer Book subscribed by the whole synod—Continuation of the synod—The synod assembles again—Sundry heads of synodical business—Final arrangements of the synod with respect to the Prayer Book—Thanks of the House of Lords given to the synod—The synod rises. XV. Act of Uniformity.

Κῦμα γὰρ περὶ πτόλιν
Δοχμολοφᾶν ἀνδρῶν
Καχλάζει, πνοαῖς
Ἄρεος ὀρόμενον.

Æsch. *Sept. cont. Theb.* 114—117.

". . . . fugere pudor, verumque, fidesque:
In quorum subiere locum fraudesque, dolique,
Insidiæque, et vis, et amor sceleratus habendi."

Ovid. *Metamorphos.* lib. i. 129—131.

A. D. 1640. Archbps., William Laud. See of York vacant.

I. Committee for religion appointed and failed.

The imprisonment of Archbishop Laud now prevented him from doing his duty to God and the Church; and as ecclesiastical affairs gradually fell under the control of parliament, so that body ran out into proportionably extravagant excesses. The House of Commons had, as we have seen in the previous chapter, fallen heavily

LIST OF ENGLISH SYNODS, A.D. 1640, Dec.—1662, May.

Date. A.D.	Place.	Archbishop.	King.	Reference.	Nature of Assembly.
1661, May 8	S. Paul's	William Juxon, Abp. of Cant.	Charles II. . .	Conc. M. B. iv. 565. Syn. Ang. ii. 60—83.	Pro. Synod, with continuations to July 31.
1661, May 8	York	Accepted Frewen, Abp. of York	Charles II. . .	Conc. M. B. iv. 567.	Pro. Synod, with continuations to August 8.
1661, Nov. 21	Westminster . . .	William Juxon . . .	Charles II. . .	Ibid. 566. Syn. Ang. ii. 83—113.	Prov. Synod, attended by the northern prelates and York proxies, and so invested with the authority of a National Synod; with continuations to May 20, 1662.
1661, Nov. 21	York	Accepted Frewen . .	Charles II. . .	Conc. M. B. iv. 567. 575.	Pro. Synod, with continuations to June 5, 1662.

upon the Church, in an endeavour to crush the new canons, and now gathering weight and speed in descent, that popular assembly soon rolled to the bottom of violence and iniquity. The House of Lords, in uniting with the Commons for a season, was but constructing a mine to be sprung afterwards for its own annihilation. However, in order[a] that ecclesiastical affairs[b] might be taken from the jurisdiction of synods and placed, as was supposed, under more unexceptionable management, a committee for religion was[c] appointed by the lords, consisting of ten earls, ten bishops, and ten barons, so that the lay votes were double those of the clergy. This committee was to act as the national synod for all England, an arrangement which in the opinion of Archbishop Laud (one not contradicted by subsequent events) would tend to "the[d] great dishonour of the Church," and even to a more deplorable and mysterious catastrophe.

A. D. 1641. K. Chas. I.

[a] March 15, 1641 N. S.
[b] Coll. viii. 203.
[c] Fuller, Ch. Hist. b. ix. p. 174.
[d] Fuller, Ch. Hist. b. ix. p. 174.

The committee[e] above mentioned, in order to put on a more solemn face, was provided with some bishops and divines to assist in its deliberations[1]. The Jerusalem Chamber was the place of meeting, where debates were held for six days. However, as most of the party[f] were Calvinists, they were ill-disposed towards the doctrine and discipline of the Church, and so[g] matters were introduced which could not but prove subjects of disagreement. Thus their consultations came to nothing, and finally, by the middle of May[h] the bill which was brought in against the deans and chapters gave this committee[i] its final death-blow.

[e] Fuller, Ch. Hist. b. ix. pp. 175-6.
[f] Coll. viii. 204.
[g] Coll. viii. 204.
[h] 1641.
[i] Fuller, Ch. Hist. b. ix. p. 176.

II. Accession of Archbishop John Williams to the see of York. Somewhat of his character.

Notwithstanding the troubled character of these times, the see of York, vacant by the death of Archbishop Richard Neile, was conferred upon[j] John Williams, bishop of Lincoln. This[k] prelate was born at Aberconway, in Caernarvon-

[j] Rose, Biograph. Dict.
[k] Coll. viii. 377.

[1] Those named were:—The Bishop of Lincoln, in the chair.

The Archbishop of Armagh, Dr. Usher.	Dr. Ralph Brownrigg.
The Bishop of Durham.	Dr. Rich. Holdsworth *.
The Bishop of Exeter.	Dr. John Hackett.
Dr. Samuel Ward.	Dr. Cornelius Burgess.
Dr. Jn. Prideaux.	Master John White.
Dr. Wm. Twisse.	Master Stephen Marshall.
Dr. Rob. Sanderson.	Master Edmund Calamy.
Dr. Dan. Featley.	Master Thomas Hill.

Fuller, Ch. Hist. b. ix. pp. 175-6.

* ? Oldsworth.

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shire, and was well descended. His private life was unexceptionable, his charity large, and his hospitality remarkable. He was, moreover, a person of great learning, but unhappily his compositions[l] and collections were destroyed at his palace at Cawood during the rebellion. His courage was singular; for betaking himself to his native town in Wales and fortifying the castle of Aberconway, he put things there in a posture of defence on behalf of the king. Having been, however, unfairly treated by Prince Rupert and Sir John Owen, who under some plausible pretences ejected him from his stronghold, the archbishop in return stormed the place, and forced the intruders to a surrender. After the murder of his sovereign, this prelate found no satisfaction in busy life, but devoted himself to God in retirement, always rising at midnight for prayer. He did not, however, long survive his royal master, having followed him to another world[m] on the 25th March, 1650.

[l] Coll. viii. 376.

[m] Rose, Biograph. Dict.

III. Violence of the parliament.

The parliament[n], now investing itself with full synodical functions, both as regarded[o] doctrine and discipline, ran out into all imaginable extremes. The usages of antiquity, the canons of the Church, the proprieties of religious worship, were superseded, and such peremptory decisions in divinity were promulgated as one would have thought could only have been published "by the apostolic[p] synod at Jerusalem, or at least by one of the four general councils." Finally, as this parliament rose in its performances, the bishops[q] were driven from their sees, the clergy sequestered[r] as scandalous ministers, the Archbishop of Canterbury[s] murdered, and the King of England[t] sacrificed as a martyr under the axe of the executioner. Thus was this nation plunged into the lowest depths of misery, and disgraced by the wildest extravagances of unbridled wickedness.

[n] Coll. viii. 216, 217 et seq.

[o] Coll. viii. 226 et seq.

[p] Coll. viii. 227.

[q] Coll. viii. 251.

[r] Coll. viii. 251.

[s] Cyp. Ang. lib. v. p. 55.

[t] Clarendon, Hist. Reb. v. 259.

> "Tum data libertas odiis, resolutaque legum
> Frænis ira ruit, non uni cuncta dabantur,
> Sed fecit sibi quisque nefas[u]."

[u] Luc. Phars. ii. 145—147.

It is not, however, uninstructive to observe that this long parliament, which inflicted such frightful miseries on our country, shewed neither courage nor self-respect in defending itself at last from the most contemptuous insults[v]. The

[v] Comp. Hist. iii. 207. Coll. viii. 390.

members were coarsely railed at in [w] their seats, their speaker's mace carried off "as a fool's bauble," themselves turned out of the house, and the doors locked against their return. Thus, after much high pretension, instead of standing to their position like men, "and flashing the last grain of powder," they beat a precipitate retreat on the first alarm, cast down their arms, and fled like a rabble rout. In fact this assembly crawled contemptibly to its end as an insect, and "expired in smoke and smoulder."

A. D. 1641. K. Chas. I.

[w] April, 1653.

IV. Enterprise of the parliament for the settlement of religion.

Into the political events, however, of these times it is not our province here to enter at length. Suffice it to say that piety and virtue were struck dead, and when an overbalance of merit was accorded to treason, rebellion, and murder, Justice at last withdrawing the veil from her eyes, sheathed her sword, and fled from these blood-stained shores.

A. D. 1643.

"Victa jacet pietas, et virgo cæde madentes
Ultima cœlestum terras Astræa reliquit [x]."

[x] Ovid, Metam. i. 149, 150.

There is, however, a subject in a measure connected with our purpose which requires here some consideration in passing. In 1643, when the parliament was exercising itself in the disposition of synodical affairs, "their [y] wisdoms adjudged it not only convenient but necessary" that some of the clergy and others who called themselves divines should be consulted. For this purpose the parliament decided that some persons whom it thought best qualified for this design should be selected, and the 1st of July was the day appointed for the inauguration of the enterprise.

[y] Fuller, Ch. Hist. b. xi. p. 196.

V. The Westminster Assembly.

At a time, when the holy name of religion was prostituted to serve the cause of rebellion, and political infamy was masked under the veil of affected sanctity; at a time when the sanguinary violence of party faction assumed the hypocritical garb of zeal for God's service, the Westminster Assembly, a body of most grotesque character, was convened. To describe it correctly by any name known to history would be too severe a tax upon ingenuity. The power which called it together, its absurd constitution, its abortive efforts to effect any purpose of solid worth, its contemptible end, render its whole history rather a subject for ridicule than for any serious consideration. It had neither the spiritual

A. D. 1643. Archbps., William Laud, John Williams.

authority of a synod powerful to bind the consciences of good men, nor the civil authority of a parliament effectual to restrain the wickedness of bad ones. As regarded the interior or exterior forum it was equally powerless for useful legislation. We see some fluttering creatures appearing most busy at the edge of night, and though partakers of both natures they neither soar aloft with the birds towards the light, nor yet maintain that firmness of foot which distinguishes the sturdy occupants of the plain. Such was the batlike character of this motley company. It was gathered together by the sole[z] authority of the two houses of parliament, who saw that religion must form one element in the composition of those forces by which they hoped to secure their ends. They wished that that element should be dealt with under their own peculiar superintendence; and so they set on foot a plan which they hoped might produce the desired effect.

[z] Coll. viii. 253.

Consequently on the 12th of June, 1643, was published "an[a] ordinance of the lords and commons in parliament for the calling of an Assembly of learned and godly divines and others, to be consulted with by the parliament for the settling of the government and liturgy of the Church of England, and for vindicating and clearing the doctrine of the said Church from false aspersions and interpretations." Those who penned this ordinance took leave also to say, and the parliament was pleased also to adopt their language, that government "by bishops, archbishops[b], deans, chapters, and so forth is evil, offensive[c], and burdensome; an impediment to reformation and religion, and very prejudicial to the state." Upon these grounds, therefore, it was resolved that the ordained successors of Christ's apostles in England should be removed, "and[d] that such a government should be settled in the Church as might be most agreeable to God's word." In order to secure such agreement with the scriptures it was intimated that the English Church was to have the advantage of being assimilated to "the Church[e] of Scotland and other reformed Churches abroad."

[a] Hist. of Later Puritans, p. 53.

[b] Hist. of Later Puritans, p. 53.
[c] Coll. viii. 253.

[d] Coll. viii. 253.

[e] Coll. viii. 254.

The Assembly was to meet in K. Henry VII.'s chapel, at Westminster, on the 1st of July, 1643. The members of whom it was to consist were defined by the parliament, and

A.D. 1643. K. Chas. I.

the work to which they were to apply themselves was cut out upon the same board. As regards the constitution of the Assembly ten English peers, twenty members of the House of Commons, one hundred and forty-two so called divines were nominated, with the addition of four Scotch ministers and two lay assessors, giving a total of one hundred and seventy-eight persons. But of this heterogeneous group it seems that never so much as half the number attended any of the sittings: for [f] on the first day of meeting sixty-nine only were present; and during the earlier part of this Assembly's existence the average attendance varied from sixty to eighty. The ordinance defined the members of the Assembly; and here the mode by which they were to be chosen gives a sufficiently plain evidence that the parliament determined not only to frame its constitution, but to keep the selection of its individual members absolutely within parliamentary influence. For it was ordered that "the knights [g] and burgesses should bring in the names of such divines for the several counties as they thought fit" for the purpose. Churchmen generally did not so much [h] as endeavour to nominate any sober and learned men, as abhorring the whole scheme; and if any well-affected member "did [i] name an orthodox and well-reputed divine" he was not admitted, as it was considered a sufficient argument for his exclusion that he had been named by a person in whom the parliament had no confidence.

The consequence, as may well be imagined, was that "a very [j] few reverend and worthy men were inserted." Among such, however, may be reckoned Archbishop [k] Usher, Westfield, bishop of Bristol, Brownrigg, bishop of Exeter, Nicholson, afterwards bishop of Gloucester, Sanderson, Hammond, and Dr. Featley. But though these persons were nominated it would have been useless for them under any circumstances to have given their attendance, the numerous [l] Genevan cloaks testifying to the sentiments of the majority; for there were not above twenty [m] persons in the whole Assembly who would have supported episcopalian principles, the rest being "avowed [n] enemies to the doctrine or discipline of the Church of England." The Bishop of Bristol, Westfield, was, indeed, present at the opening of the sittings, but the king having issued a proclamation against the whole pro-

[f] Coll. viii. 257, and Hist. of Later Puritans, p. 55.

[g] Clarendon's Hist. Reb. ii. 530.

[h] Clarendon's Hist. Reb. ii. 530.

[i] Clarendon's Hist. Reb. ii. 530.

[j] Clarendon's Hist. Reb. ii. 530.

[k] Hist. of Later Puritans, pp. 55, 56.

[l] Hist. of Later Puritans, p. 55.

[m] Clarendon's Hist. Reb. ii. 530.

[n] Clarendon's Hist. Reb. ii. 530.

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ceeding, all the episcopalian party retired as soon as this fact became known.

The remaining members of this Assembly were divided into three parties. 1. Presbyterians[o], who now boasted a majority; 2. Independents[p], who, though at present a small section, were, it has been observed, like that "little cloud out of the sea like a man's hand[q]," which the prophet's servant saw already threatening, but big with rain and wind, and destined ere long to burst and sweep all before it, including presbytery itself, in the common wreck; 3. Erastians[r], (so called from one Erastus or Lieben a physician of Heidelberg,) men who confuse the earthly powers of civil government with those spiritual powers which Christ confided to his Church on the Galilæan mount. Of such a philosophy unhappily the disciples' names even in our own days are legion.

[o] Hist. of Later Puritans, p. 56.
[p] Hist. of Later Puritans, p. 63.
[q] 1 Kings xviii. 44.
[r] Hist. of Later Puritans, p. 66.

Such were the materials of which this Assembly was composed. Nor were the characters of many of the members likely to recommend their principles, if the testimony of Lord Clarendon may be received, who says that they were "some[s] of them infamous in their lives and conversations, and most of them of very mean parts in learning, if not of scandalous ignorance, and of no other reputation than of malice to the Church of England; so that that convention hath not since produced any thing that might not then reasonably have been expected from it."

[s] Clarendon's Hist. Reb. ii. 530.

Not only as regarded[t] the constitution of the Westminster Assembly did the parliament assert plenary jurisdiction, but the work to be done and the limits within which that meeting was to confine itself were precisely defined by the same authority. The parliament enjoined attendance[u] on the members of the Assembly; declared that its sittings should be removed from place to place according to parliamentary direction; charged the members to treat of such matters as the houses of parliament should propose, and of no others, to deliver opinions as either house required, and not to divulge any thing by printing, writing, or otherwise, without their consent. The parliament moreover appointed[v] the chairman, one Dr. Twisse; provided that any cases of disagreement should be referred to itself as to a court of ultimate appeal; undertook to pay the Assembly-men four shillings a day at

[t] Coll. viii. 255-6.
[u] Hist. of Later Puritans, p. 54.
[v] Coll. viii. 255.

the charges of the commonwealth; gave all members an immunity from penalties attaching to non-residence; provided for the substitution, by parliamentary appointment, of new ones in cases of vacancy by death; forbade the Assembly "to assume[w] any jurisdiction, power, or authority ecclesiastical or otherwise, except what was herein (*i.e.* the ordinance) expressed; and lastly declared that the body might be finally dissolved whenever the parliament should see fit. These were provisions which would evidently warrant the exercise of the highest strains of power upon the part of parliament, whenever it chose to exercise them. Absolute controul was the object which the parliament intended to attain, and that object was thus carefully secured. It paraded its child before the nation in the form of a man, but it slackened not for a moment the reins of parental authority. It affected to set in motion a machine for the advancement of religion, but it held all appliances of motive power and the breaks too in its own hand. Religion in the parliamentary establishment was indeed degraded to the office of a busy handmaiden in the work of rebellion; but the master, being somewhat tyrannical in his management, would fain exercise on all occasions the meanest interference, and ever pry with ridiculous curiosity into the most trivial proceedings of his domestic household.

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[w] Hist. of Later Puritans, p. 55.

When the so called[x] divines, in pursuance of the ordinance, met in K. Henry VII.'s chapel, Westminster, on the 1st of July, 1643, Dr. Twisse, their chairman, preached the sermon; and both houses of parliament attended. The ordinance for the Assembly was then read, the names of members called over, and actuaries appointed in the persons of Henry Rowborough and Adoniram Byfield. Thus placed in a position for business, as was supposed, this meeting appears to have stood well in the affections of some, for the city preachers prayed for a blessing upon its debates, and, moreover, books were dedicated to it under the name of the "most sacred Assembly."

[x] Coll. viii. 257. Comp. Hist. iii. 146.

Their address to the parliament.

By July the 19th[y] this singular company had prepared a petition to its common parents, the two houses of parliament. The Assembly begins its address by bemoaning in mysterious terms the two late defeats which had befallen Waller's troops in the west and

[y] Comp. Hist. iii. 146. Coll. viii. 256.

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Lord Fairfax's in the north. On this account it humbly petitions the Houses of Lords and Commons, 1st, to proclaim a fast and make provision for some peculiar expressions of repentance towards God on the part of persons residing within the bills of mortality; and, 2ndly, to take order for "setting up Christ more gloriously in all his ordinances within this kingdom, and reforming all things amiss throughout the land wherein God is more specially and more immediately dishonoured." Thus we see that these new authorities in religion treated the two houses of parliament as a national synod, and referred to those assemblies in the last resort as the arbiters of divine worship and the sources of spiritual jurisdiction.

That the parliament might be the more readily inclined to exercise such synodical functions the Westminster Assemblymen made some very tragical complaints of the state of religion in the country. They desired remedies to be applied to the "brutish ignorance and palpable[z] darkness of the people;" lamented the "heinous pollution[a] of the Lord's supper;" the "bold venting[b] of corrupt doctrines;" the "profanation[c] of the Lord's day and the days of solemn fasting;" the existence of "blind guides[d] and scandalous ministers;"—by which expressions the clergy of the English Church were meant—and so "their wisdoms" of the parliament were requested "to find out some way to admit[e] into the ministry such godly and hopeful men as have prepared themselves and are willing thereunto." Whether the parliament was to assume the function of ordination is not specified, but this last item has at least a doubtful and dark appearance.

[z] Art. 1.
[a] Art. 2.
[b] [c] Art. 3. Art. 4.
[d] Art. 5.
[e] Art. 5.

The Westminster Assembly further proceeded in its petition to request that severe measures against "swearing[f], drunkenness, fornication[g], adultery, and incest" may be taken; that all traces of "idolatry[h] and superstition," and specially all remains of popery, may be removed; that "justice[i] may be executed;" and that the "prisoners[j]" of the rebel party may be liberated. And then the document concludes in these words: "That so God[k], who is now by the sword avenging the quarrel of his covenant, beholding your integrity and zeal, may turn from the fierceness of his wrath, hear our prayers, go forth with our armies, perfect the work of reformation, forgive our

[f] Art. 6.
[g] Art. 7.
[h] Art. 8.
[i] Art. 9.
[j] Art. 10.
[k] Coll. viii. p. 260.

sins, and settle truth and peace throughout the kingdom. And your petitioners shall ever pray, &c."

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The parliament graciously receives the address.

Some of the crimes specified in the foregoing address as calling for severe punishment are shocking in very high degree, and, doubtless, if the case was truly stated, there was much need of reformation in the particulars detailed. But considering the state of those times, the omission of some other crimes from the Assembly's catalogue of offences has an odd aspect. Heresy, schism, treason, rebellion, and murder in the moral system of these divines seem to be left out of the category of human sins. However, notwithstanding these remarkable omissions, the petition was well received by the parliament, for that body appointed a fast on the Friday next ensuing, in accordance with the Assembly's request, and also promised early attention to the other items.

And makes orders accordingly.

In accordance[l] with this promise, and in answer to the eighth item, an ordinance was made on August 28, "for the utter demolishing and removing all monuments of superstition or idolatry, as altars and tables set altarwise, and all rails about them, tapers, candlesticks, crosses, images, pictures, and superstitious inscriptions." In answer to the fifth item the commons made an order Sept. 5, that "scandalous ministers"—meaning the English clergy—"should be proceeded against, and such as abetted the forces raised against the parliament." In due course most of the other requests in the Assembly's petition were suitably answered.

[l] Comp. Hist. iii. 146.

The parliament and the Assembly swear to the "solemn league and covenant" in S. Margaret's Church, Westminster.

One of the main objects of the Westminster Assembly was to prepare the minds of the people for an assent to the solemn league and covenant; and the details of that instrument having been agreed on between the English and Scotch rebels, the machinery was ready for work in the autumn of 1643. And now, as it was hoped that their joint performances would pass with an easy motion, the Assembly, in company with its parent[m] the parliament, met on the 25th of September in the church of S. Margaret, Westminster, and in a formal manner gave in their common adhesion to the "solemn league and covenant." The feelings of the congregation were first worked upon by prayers and speeches. The proceedings began with special supplications for the occasion,

[m] Comp. Hist. iii. 147. Coll. viii. 26.

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which, as is too well known, instead of representing the sincere outpourings of the human soul towards the heavenly mercy-seat, have often been prostituted, in times of intestine commotions, so as to reflect the political hopes and fears of the composers; and in times of peace are not unfrequently made vehicles for conveying to the hearers an exposition of the past, present, or future policy of the civil rulers of the day. Mr. White prayed for a whole hour that God would sanctify them for their good work. Mr. Nye, a presbyterian, laboured for another hour in the pulpit dilating on the advantages of the league, and endeavouring to support his statements with misapplications of scripture. Mr. Henderson, a Scotchman, followed in a like strain, arguing from the blessing which had attended covenants among the Scots that the English ought to imitate their example. After he had concluded Mr. Nye again stood up. The pulpit served him for a rostrum, whence he read aloud the solemn league and covenant, making a pause at the close[n] of each article, that the statements contained in it might fall with due weight upon the ears of the audience. Then uprose the whole congregation, and, with right hands lifted towards heaven, swore in the name of God to accept and maintain the covenant, which was subscribed both by the members of the parliament and of the Westminster Assembly. This document consisted of six articles, which, in fact, amounted to the renunciation for ever, with all the solemnity which an abjuration could give, of the doctrine and discipline of the Church of England, and to the acceptance of presbyterianism in its place. To conclude the performances of the day prayer and praise were offered by Mr. Gouge, a puritan minister, who from the pulpit begged a blessing on the proceedings.

[n] Hist. of Later Puritans, p. 74.

The labours of the Assembly.

The labours of the Assembly, which in some form or other lasted[o] six years, and numbered 1163 sittings, resulted in—"a[p] confession of faith—a directory for public worship—a larger catechism—and a lesser one for children,"—ultra-Calvinism being the fundamental principle of all these productions. It also essayed[q], by the command of the parliament, to revise the articles of the Church of England. Ten weeks were consumed in making some few alterations, chiefly verbal ones in the first fifteen, but that work was not further proceeded with.

[o] Hist. of Later Puritans, pp. 79, 80.
[p] Hist. of Later Puritans, pp. 79, 80.
[q] Hist. of Later Puritans, p. 71.

The Assembly declines.

A. D. 1649. K. Chas. II.

In 1649 the Assembly lost some of the circumstantial pomp of appearance with which the parliament at first proposed to invest it, being changed into a committee for the trial of ministers. It[r] sat weekly for the purpose; and if the queries proposed by Mr. Nye, Tombes, and Peters, on the occasion of trying Mr. Sadler's principles at a subsequent period, may be looked upon as specimens of the questions generally proposed to candidates, we may infer that a severe tax was laid upon the ingenuity of those persons who had to give answer. For example[s]: "Whether God was willing or unwilling that Adam should fall? Whether motions to sin before consent are sinful? What is the breath of the soul? the heat of the soul? and the action of the soul?" These are questions which would be apt, one would think, to overset the most laborious divine, and gravel the acutest philosopher.

[r] Hist. of Later Puritans, p. 79.

[s] Hist. of Later Puritans, p. 383.

The Assembly, nurtured under the fostering care of parliament, was early doomed, as might be expected, to experience the managements proverbial to stepmothers. The parliamentary tender mercies were indeed cruel. As[t] soon as the Assembly claimed ecclesiastical jurisdiction, and assumed for the presbyterian courts the power and right of excommunication, the parliament checked, insisting upon appeal to itself, even in cases of exclusion from the Lord's supper; and when the Assembly remonstrated, the members were informed that they had violated privilege, and incurred the penalties of præmunire. The parliament further invested itself with the office of trier of the Assembly, and[u] propounded to it some questions touching the presbyterian system, which if answered in one way would entail the mystic terrors of a præmunire, but if replied to in another, would lead to the abandonment of all spiritual jurisdiction into the hands of the civil power. And now, though the astonished Assembly answered in some general terms, endeavouring to avoid the thrust of either horn of this menacing dilemma, it was not permitted to retain the powers it challenged. There were, it may be remembered, within it some members of parliament. Among these were Selden, Bulstrode, Whitelocke, and St. John, solicitor-general; and as these gentlemen belonged to the Erastian party, the spiritual authority claimed by the Assem-

[t] Hist. of Later Puritans, p. 146.

[u] Hist. of Later Puritans, p. 147.

A.D. 1649. Archbps., See of Cant. vacant. John Williams.

bly was ridiculed, even among those of its own household. "[v] Selden visits them," says an author of that day, "as the Persians used to see wild asses fight. When the commons have tired him with their new law, these brethren refresh him with their mad gospel. To speak truth, this assembly is the two houses' attiring room, where the lords and commons put on their vizards and masks of religion." Masks, indeed, which might then have imposed upon the childish credulity of ignorant fanatics; but certainly the flimsy material and transparent tinsel, of which they were composed, have failed to deceive any body since.

[v] See Hist. of Later Puritans, p. 67.

The divines of the Assembly slenderly furnished with learning.

The theology of the newly constituted divines was no sufficient armoury for supplying weapons of defence, even against the lay members of the Assembly itself. Some of them failed remarkably in a knowledge of the original languages of the Bible, so that, as must needs be the case in such a contingency, they frequently lay under an incapacity of supporting their arguments by scriptural proof. Taking them at this disadvantage, Mr. Selden made himself conspicuous in disabling their essays in divinity. Sometimes when they cited a text to prove some rambling assertion he would tell them, "perhaps[w] in your little pocket bibles with gilt leaves (which they would often pull out and read) the translation may be thus, but the Greek or the Hebrew signifies thus," and so he totally silenced them and exposed their ignorance.

[w] Comp. Hist. iii. 147.

A.D. 1653.

The Assembly sinks.

This silencing of the divinity of the divines, the witty sallies of the lay members against those of more solemn face, and, finally, the formidable onslaught of parliamentary force, crushed the whole meeting. It dragged on a feeble existence for a time, and at last, when "the fool's bauble" of the long parliament[x] was ordered out of the house by Oliver Cromwell, in April 1653, and its sittings were forbidden, the Westminster Assembly departed from life simultaneously with the parent which begat it.

[x] Comp. Hist. iii. 207. Hume chap. lx. an. 1653.

VI. Tender mercies of the parliament and the Assembly towards the Church of England.

The Church of England had no mercy shewn to her either by the parliament or the Assembly. Of the principles of the latter the proceedings previously detailed as having occurred in S. Margaret's church, Westminster, are a suffi-

cient exposition. In order to carry out those principles the parliament was ready to give powerful aid so long as its own superior jurisdiction was unchallenged. This parliament had, moreover, a peculiar way of dealing out distributive justice. It voted "liberty[y] to tender consciences by way of indulgence;" and within two days, upon mature consideration of the extent of this concession, added a proviso, "that[z] the indulgence as to tender consciences shall not extend to the Book of Common[a] Prayer." Here is in effect contained much the same principle as that which prevails in the present day in reference to some ecclesiastical questions: a very high degree of respect being paid to the conscientious scruples of all men save the clergy whom the matter in hand specially concerns. In fine, this parliament forbade the use of the Common Prayer Book altogether. Not only was it punishable to make use of it in a church, but if any person should read it in any private house or family within this kingdom of England, penalties were imposed amounting to five[b] pounds for the first offence, ten pounds for the second, and for the third one year's imprisonment without bail or mainprize. Such was the hatred towards the Church of England of that parliament which, from the ridiculous spectacle it exhibited to the world towards its latter end, has obtained a contemptuous appellation, to which it moreover earned a just title, from the absurdity of those fundamental principles upon which its disgraceful acts were based.

A. D. 1653. K. Chas. II.

[y] Hist. of Later Puritans, p. 151.

[z] Hist. of Later Puritans, p. 151.

[a] Oct. 16, 1647.

[b] Hist. of Later Puritans, p. 149.

VII. Consequent state of religion.

England was now deprived by rebellious arms not only of her king and her ancient constitution, but of her visible Church. That whole fabric was beaten down; the provincial synods were silenced; and religion was left to seek support and direction from the essays of political hypocrites, or at best from the more sincere, but not less ignorant, declamations of unlettered fanatics. The rebel army[c] supplied self-elected professors of divinity, who made some remarkable discoveries in that branch of learning. Camp and synod seem to have become convertible terms, though one would incline to think that lessons in peace and brotherly love would be inefficiently inculcated at the point of the sword; and that exhortations to the forgiveness of injuries and the exercise of Christian charity would not

[c] See Coll. viii. 374, 375.

A. D. 1653. Archbps., See of Cant. vacant. See of York vacant.

receive any peculiar recommendation from the examples of hands reeking with fratricidal blood.

"Jam truculenta ferunt infestaque volnera corpus
Alter in alterius; jamque aversatur uterque,
Impia germani manat quod sanguine dextra[d]."

[d] Virg. Culex, 254—256.

But happily the atrocious barbarities of that time may be omitted from our present consideration; and we shall pass on to subjects lying more properly within our particular purpose. Only it must be remarked as this nation then succumbed to the spiritual jurisdiction of the barracks, and was illuminated by the theology of guard-rooms, that the generation educated under such an hierarchy subsequently produced, as might have been expected, during the licentious reign of K. Charles II. a harvest whose fruits may be regarded with shame, but not with wonder—

"... alta sedent civilis vulnera dextræ[dd]."

[dd] M. Ann. Lucan. Phars. lib. i. 32.

A. D. 1660.

VIII. Restoration of K. Charles II.

Upon the return of K. Charles II. from exile to his rightful inheritance, and of this nation from frenzy to reason, in the year 1660, our constitution both in Church and State was restored with marvellous rapidity. The poet's desire was here suddenly realized,—

"Civibus o tandem lucem da cernere nostris,
Et populis redeat vetus in præcordia virtus.
Inter se positis ultro civilibus armis
Pacem agitent, unaque velint occurrere pesti
Communi[e]."

[e] Vidæ Hymn. xxx. 70—74.

[f] Comp. Hist. iii. 240.

[g] Comp. Hist. iii. 241.

On Tuesday[f], May 8, the king was proclaimed by the order of both lords and commons. On the 23rd of that month his majesty[g] left Holland; and on Friday, the 25th, he landed on the beach near Dover pier, whence, being gladly received, he proceeded within a few days, amid the joyous acclamations of his subjects, to London; and, arriving there on the 29th of May, he took up his abode in the royal palace of Whitehall.

IX. Recovery of the Church.

There now dawned a brighter prospect for the Church of England, which had been trampled under foot for nearly twenty years. Nine bishops who had survived the rebellion were restored[h], viz. William Juxon, formerly bishop of London, who was soon trans-

[h] Comp. Hist. iii. 247, and Coll. viii. 407.

lated to Canterbury, Accepted Frewen, formerly bishop of Lichfield and Coventry, who was translated to York, William Pierce, bishop of Bath and Wells, Robert Skinner, bishop of Oxford, afterwards removed to Worcester, John Warner, bishop of Rochester, William Roberts, bishop of Bangor, Matthew Wren, bishop of Ely, Brian Duppa, bishop of Salisbury, afterwards removed to Winchester, and Henry King, bishop of Chichester. On the first Sunday in Advent six more bishops were consecrated[i], viz. John Cosens, bishop of Durham, William Lucy, bishop of S. David's, Benjamin Laney, bishop of Peterborough, Hugh Lloyd, bishop of Llandaff, Richard Sterne, bishop of Carlisle, Brian Walton, bishop of Chester, and John Gauden, bishop of Exeter. The other sees[j] were soon filled with persons qualified to discharge the duties committed to them.

A.D. 1660. K. Chas. II.

[i] See also Geeve's Hist. Ch. of Great Britain, pp. 386 et seq.

[j] Vid. inf. p. 702, note.

X. Failure of the Savoy conference.

A.D. 1661.

A somewhat exceptionable measure for dealing with ecclesiastical matters was at this time set on foot; which, however, having produced no good effect, need only be mentioned in passing. In a declaration[k] published by the king, on the 25th of October, 1660, a promise[l] had been made that the English Common Prayer Book, in the hope of satisfying some presbyterian scruples, should be reviewed by "learned divines of both persuasions." In accordance with this promise a commission[m] was issued for that purpose on March 25, 1661, to the Archbishop of York, eleven[n] bishops, and twenty-nine divines: nine of the latter being Churchmen, and the remaining twenty being attached to the Nonconformist platform. It does not fall within our present scope to pursue the proceedings of these commissioners through the exceptions[o] taken against the Prayer Book by the one party, or the defences set up for it by the other. It is equally beyond our purpose to engage in unravelling those fine-drawn distinctions with which Mr. Richard Baxter entangled the company, or to follow that gentleman through his misapplications[p] of the rules of logic. Nor will our space allow us to enter into a consideration of his "reformed[q] liturgy," which, though drawn up by his single hand, no sense of modesty prevented[r] him from offering as fit to supersede[s] the liturgy of the English Church. Suffice it to say that the performances of this Savoy conference (so called because[t] the

[k] Coll. viii. 409.

[l] Coll. viii. 415.

[m] Coll. viii. 417, and Comp. Hist. iii. 253. Bulley's Variations, pref. xxiv.

[n] Conc. Mag. Brit. iv. 570. 572.

[o] Coll. viii. 421. 442.

[p] Coll. viii. 442.

[q] Coll. viii. 439.

[r] Comp. Hist. iii. 253.

[s] Wheatly on Com. Prayer, Introduc. p. 26.

[t] Coll. viii. 420, and Comp. Hist. iii. 253. Conc. Mag. Brit. iv. 572.

A.D. 1661. Archbps., William Juxon, Accepted Frewen.

commissioners met at the Bishop of London's lodgings in the Savoy) ended on the 24th of July, 1661, without any accommodation on[u] either side. It failed as conspicuously as some other meetings convened for similar purposes by Q. Elizabeth, K. James I., and K. William III. And here it is observable that commissions on the subject of religion are in every age remarkably unsuccessful.

[u] Bulley's Variations, pref. xxv.

XI. Some mysterious hesitation about summoning the provincial synods acourse with the parliament.

K. Charles II.'s coronation was solemnized with great splendour on S. George's day[v], April 23, 1661. And now, as the stream of public events settled down to a more composed surface, the ancient constitution of this Church and State recovered its just equipoise amid the subsiding elements. The parliament was summoned to meet on the 8th of May, 1661. But some mysterious hesitation seems to have arisen about calling together concurrent convocations. Whether it was unwisely thought at court that the Savoy conference could properly perform the functions of the English provincial synods, or whether the unsettled state of ecclesiastical affairs was the cause of the contemplated innovation is not altogether clear. But however this may be the learned Dr. Peter Heylin, fearing the ill effects of such a singular mismanagement, wrote a letter to a principal minister of state on the matter.

[v] Comp. Hist. iii. 247.

Dr. P. Heylin's letter on this subject.

After the introduction[w] of his subject, the expression of his fear that the synod would be omitted, and a reference to the rights of the Church as established by Magna Charta, the learned doctor declares that it will be an innovation on the constitution, if any parliament should be called without its concurrent synod, and this assertion he maintains by sufficient examples. "But if it be objected," to use Dr. Heylin's own words, "that the commission now on foot (*i.e.* the Savoy conference) for altering and explaining certain passages in the public liturgy may either pass instead of a convocation, or else is thought to be neither compatible nor consistent with it, I hope far better in the one, and must profess that I can see no reason in the other. For first, I hope that the selecting some few bishops and other learned men of the lower clergy to debate on certain points contained in the Common Prayer Book is not

[w] Comp. Hist. iii. 251. Coll. viii. 411.

A.D. 1661. K. Chas. II.

intended for a representation of the Church of England, which is a body more diffused, and cannot legally stand bound by their acts and counsels. And if this conference be for no other purpose but only to prepare matters for a convocation (as some say it is not), why may not such a conference and convocation be held at once? For neither the selecting of some learned men out of both orders for the composing and reviewing of both liturgies digested in the reign of K. Edward VI. proved any hindrance in the calling of those convocations, which were held both in the second and third, and in the fifth and sixth of the said king's reign; nor was it found that the holding of a convocation together with the first parliament under Q. Elizabeth proved any hindrance to that conference or disputation which was designed between the bishops and some learned men of the opposite parties. All which considered, I do most humbly beg your lordship to put his majesty in mind of sending out his mandates to the two archbishops for summoning a convocation (according to the usual form) in their several provinces, that this poor Church may be held with some degree of veneration both at home and abroad." After this reasonable request Dr. Heylin craves pardon for his presumption, lamenting that no one of higher figure and worth than himself had undertaken to press the subject, and at the same time assuring his correspondent that nothing but a zeal for God's glory and an affection to the Church could have forced the present letter from its author.

XII. Provincial synods of May 1661.

This seasonable and well-supported application had the desired effect. The king issued [x] the usual royal writs [y] to the archbishops in each province, commanding them to summon their provincial synods, which in consequence met respectively at S. Paul's [z] and at York [a] on May 8, 1661, the same day as that on which the new parliament assembled, whose second act [b], by the way, restored to the bishops [c] their ancient right of sitting in the House of Lords.

1. Canterbury Synod.

On Wednesday, May 8 [d], the day appointed for the assembling of the southern synod [2], as

[x] April 11.
[y] Comp. Hist. iii. 251. Coll. viii. 445.
[z] Conc. Mag. Brit. iv. 565.
[a] Conc. Mag. Brit. iv. 567.
[b] 13 Chas. II. cap. 2.
[c] Geeve's Hist. Ch. of Great Britain, p. 374.
[d] Syn. Ang. ii. 57. Conc. Mag. Brit. iv. 565. Kennett's Register, p. 434. Comp. Hist. iii. 251. Coll. viii. 445.

[2] For a detailed list of all the members of this synod, with their names, see Kennett's Register, pp. 480—482, citing a document printed for Nathaniel Brook in one large sheet, June 24, 1661. See Kennett's Register, p. 434.

A. D. 1661. Archbps., William Juxon, Accepted Frewen.

Archbishop Juxon was somewhat disabled by age and ill health, Gilbert Sheldon, bishop of London, presided in his place. The latter prelate[e], accompanied by eleven bishops[3] of the southern province, the deans, archdeacons, and clergy, together with the Dean of the Arches and the advocates and proctors of that court, met in S. Paul's churchyard at the house[f] of Dr. Peter Barwick, an eminent physician, and brother of Dr. Barwick, afterwards dean of S. Paul's. Thence, preceded by the vergers and the sacrist bearing a mace, the procession entered the cathedral, and was there met by Dr. Matthew Nicholas[g], the dean, and Drs. Thomas Turner, John Hacket, and Edward Layfield, canons residentiary, together with other canons and prebendaries of the Church. These, vested in their surplices, conducted the president and bishops into the choir, where the prelates took their seats in the stalls. The hymn "Te Deum" was then sung in English, and the second lesson and the rest of the prayers, according to the Book of Common Prayer, having been said by the sub-dean, the anthem "O Lord, make thy servant Charles" was performed.

[e] Syn. Ang. ii. 61.

[f] Kennett's Register, p. 434, quoting a MS.

[g] Syn. Ang. ii. 61.

Dr. Thomas Pierce preacher.

The preacher was Dr. Thomas Pierce, who, having mounted the pulpit, delivered in Latin a polished and eloquent discourse on this text[h]: "For it seemed good to the Holy Ghost and to us to lay upon you no greater burden than these necessary things." After the sermon was ended another anthem was sung, commencing with the words, "O Lord, grant the king a long life."

[h] Acts xv. 28.

Formal business transacted.

The service[i] in the cathedral having been thus concluded, the synod adjourned to the chapter-house, or rather to the building then used for that purpose, the goodly old house[j] having been rendered unfit for use by the impious barbarities of Oliver Cromwell's horse guard. Here the usual formalities were gone through. The commission[k] from the archbishop, directed to the Bishop of London and his comprovincial bishops, together with the royal writ[l] were

[i] Sess. 1.

[j] Kennett's Register, p. 434.

[k] Syn. Ang. ii. 62.

[l] Syn. Ang. ii. 63.

[3] 1. Matthew Wren, Bishop of Ely; 2. William Pierce, Bath and Wells; 3. Robt. Skinner, Oxford; 4. John Warner, Rochester; 5. Henry King, Chichester; 6. George Morley, Worcester; 7. Humphrey Hinchman, Salisbury; 8. Benjamin Laney, Peterborough; 9. Edward Reynolds, Norwich; 10. Nicholas Monk, Hereford; 11. William Nicholson, Gloucester.

read; the Bishop of London's certificate of his execution of the archiepiscopal mandate for the synod was exhibited; the names of the suffragan bishops were called over; and the clergy were ordered by the president, in an excellent Latin speech, to retire for the choice of their prolocutor. A.D. 1661. K. Chas. II.

Dr. Henry Fern prolocutor.

Shortly afterwards[m] Dr. Matthew Nicholas, dean of S. Paul's, with Drs. Thomas Turner and Richard Bailey, respectively deans of Canterbury and Sarum, returned and signified to the bishops that the clergy had selected Dr. Henry Fern, dean of Ely, as prolocutor, and had moreover chosen Dr. John Pearson, archdeacon of Surrey, as a fit person to present him. Finally, absentees having been pronounced contumacious, the synod was continued to Thursday, the 16th of May then ensuing, when the members were ordered to meet in the collegiate church at Westminster.

[m] Kennett's Register, p. 434.

Presentation of the prolocutor.

At[n] the second session, held, as above ordered, in K. Henry VII.'s chapel, the Westminster[o] protest having been presented and prayers[p] said, the new prolocutor, Dr. Henry Fern, was presented; and on this occasion[q] three speeches in elegant Latin were made, one by the presenter, Dr. John Pearson, one by the very reverend prolocutor himself, and one by Bishop Sheldon, in confirming the election.

[n] Sess. 2. Syn. Ang. ii. 65. Kennett's Register, p. 434.
[o] Syn. Ang. ii. 66.
[p] Syn. Ang. ii. 65.
[q] Kennett's Register, p. 434.

Special services ordered.

After this matter was concluded arrangements were made in the upper house for the preparation[r] of special prayers for the birthday of K. Charles II. and for his restoration, to be used on the 29th of May annually. For this purpose the Bishops of Ely, Oxford, Peterborough, and Sarum were to be joined in committee with eight members of the lower house. Special prayers also were to be provided for the 30th of January, the anniversary of the martyrdom of K. Charles I. This matter was to be placed in the hands of the Bishops of Rochester, Chichester, Worcester, and Norwich, with eight associated members of the lower house also, as in the former case.

[r] Syn. Ang. ii. 67.

In the next session[s], held on the 18th of May, the service for the restoration of the king was so far completed as to be sent down for approval to the lower house; and the prolocutor was further informed by the president that an intention was entertained of drawing up a form for the baptism of adults.

[s] Sess. 3. Syn. Ang. ii. 68.

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For carrying out this plan the Bishops of Salisbury, Peterborough, and S. Asaph were appointed, an order being made that six members of the lower house should assist those prelates in their labours.

[t] Sess. 7. Syn. Ang. ii. 70. Conc. Mag. Brit. iv. 565.

After some sessions held, in which nothing worthy of remark is left upon record, on the 31st of May[t] the office for the baptism of adults was read in the upper house and there approved of.

Mr. Ogleby's petition.

A petition was also put up and read from one Mr. John Ogleby, of which the purport was to obtain patronage for a new edition of the Bible which that literary speculator was engaged in publishing. This gentleman had lately printed a most sumptuous[u] edition of Homer's Iliad and Odyssey, with a dedication to K. Charles II. The work appears to have gained for him the royal favour, for his petition to the upper house of convocation respecting this Bible was accompanied by a recommendation from his majesty. This edition of the scriptures was, with the assistance of Dr. J. Worthington and other learned and accomplished men, printed at Cambridge by Field, and adorned with topographical and other engravings; and it may be remarked that Mr. Ogleby's petition in its behalf was on this occasion commended by the bishops to the favourable consideration of the lower house.

[u] Rose, Biograph. Dict. in loc.

[v] Sess. 8. Syn. Ang. ii. 71, 72.

Royal licence for the enactment of canons introduced.

On the 7th of June[v] the king's licence for amending the canons and constitutions of the Church was introduced.

Prayer for a fast day prepared.

And order was taken for the preparation of a form of prayer to be used on the public fast day now approaching, June 12[w] having been appointed for that purpose in London, and the 19th of that month in the country. For the preparation of this form the Bishops of Ely, Oxford, Sarum, and Peterborough, with eight of the lower house, were appointed.

[w] Lathbury, 284.

[x] Sess. 10. Syn. Ang. ii. 73, 74.

Reform of ecclesiastical law vigorously promoted.

On the 19th of June[x] the review of the "Canons and Constitutions" of the Church was again brought upon the board. The royal licence, having been amended, was produced afresh, and it was arranged that a committee of twelve bishops and twenty-four[y] members of the lower house should be appointed to carry on

[y] Syn. Ang. ii. 77.

the work, who were to meet in the great hall at the Savoy, on the ensuing Saturday, and thenceforward on the Tuesdays and Thursdays in every week until their labours should be completed. A. D. 1661. K. Chas. II.

Somewhat[z] connected with this scheme for reforming the canons and constitutions was a plan for framing a book of articles to serve[a] as a guide for episcopal visitations, and the internal regulation of the several dioceses. For this purpose six bishops were appointed on June 21, who were also to meet at the Savoy on the following Saturday, and thenceforward on the Mondays and Saturdays in each week, until their work should be finished. And it is to be remarked that on this occasion the Archbishop of York, with his suffragans of Durham, Carlisle, and Chester, were present in the Canterbury Synod, and were requested by Bishop Sheldon, the president, with consent of the southern bishops, to lend assistance for the work in hand, which they consented to do. Two of the northern prelates were also present in the fourteenth session[b], held on the 3rd of July following, when the question of the liberty of the press was discussed, and a committee of eight bishops[c] was appointed for the consideration of that important matter.

[z] Sess. 11.

[a] Syn. Ang. ii. 75, 76.

[b] Syn. Ang. ii. 78.

[c] Syn. Ang. ii. 79.

Some[d] of the canons[e] before referred to had been prepared by the 17th of July, and having received emendations in the upper house, were recommitted to the Bishop of Salisbury for further consideration; and two[f] days after, some more of those documents being produced by the Bishop of Gloucester, were likewise amended and returned to that prelate for revision.

[d] Sess. 18. Syn. Ang. ii. 80.

[e] Sess. 18.

[f] Sess. 19. Syn. Ang. ii. 81.

The[g] same course was again taken on the 22nd of July, when the Bishops of Bath and Wells and of Rochester brought in canons which they also received back again for further consideration.

[g] Sess. 20. Syn. Ang. ii. 81.

But this work unhappily came to nothing for some dark reasons.

Thus we see how actively this work of revising the canon law was carried on by this synod; a most necessary work not only then but now. And though the scheme[h] was afterwards prosecuted, yet for some reasons somewhat mysterious it came to no good end. It seems that some persons who ought to have been most forward in so good a work were not hearty enough in it[i].

[h] Syn. Ang. ii. 97, 98. 102. 112.

[i] Kennett's Register, p. 629.

A.D. 1661. Archbps., William Juxon, Accepted Frewen.

After the king's[j] licence had been granted, and committees of the synod had been so busily engaged in the matter[k], their peculiar shares being assigned to each, it is just matter for regret that the plan was not finally carried out. We have good reason in this age to lament that failure[l], which we are told proved at the time a heavy grief to many good men, and specially to Dr. Barwick, who was elected prolocutor of this convocation after Dr. Fern's promotion to[m] the see of Chester. For the former gentleman was heard to say, "that[n] neither the desperate disease he formerly laboured under, nor the severity of his confinement, nor the torture he was often threatened with, was ever so grievous to him." The[o] active endeavours of many in this matter were in fact wholly frustrated by one or two persons on whom the matter chiefly depended; and so those who should have been most forward in the defence of religion were the greatest impediments in the way of its protection and advancement.

j Syn. Ang. ii. 71. 73.
k Kennett's Register, p. 630.
l Kennett's Register, p. 630.
m Syn. Ang. ii. 101.
n Kennett's Register, p. 630.
o Kennett's Register, p. 630.

The benevolence granted and the synod ends.

On[p] the 27th of July the benevolence granted to the king was signed by the bishops, and on the last day of that month the Canterbury Synod[q] was continued to the 21st of November, 1661.

p Sess. 23. Syn. Ang. ii. 82.
q Syn. Ang. ii. 83.

2. York Synod.

Concurrently with the last assembly, on the 8th of May, 1661, the members of the York Synod met at the cathedral[r] of that province.

r Conc. Mag. Brit. iv. 567.

The opening service.

The service consisted of morning prayer, with the litany, the 17th chapter of Deuteronomy, and the 15th chapter of the Acts being substituted, as suitable to the occasion for the first and second lessons respectively. The hymn "Veni Creator" having been sung, the sermon followed.

Formalities observed at the commencement of the synod.

After the sermon the assembly[s] met in the chapter-house, where the royal writ and the archiepiscopal mandates were read. As soon as the clergy had been called over, the president spoke as follows:—"Doth it please you[t] that this sacred synod or convocation do now begin to the glory of God, and the peace and public good of the Church and kingdom of England?" Upon which the members answered, "It pleaseth us." Again the president asked, "Doth it please you to begin this solemn and sacred action with prayer, for the assistance of God's

s Sess. 1.
t Conc. Mag. Brit. iv. 567.

Holy Spirit?" To which those present again replied, "It pleaseth us." The president having then said: "Let us pray kneeling upon our knees," the Lord's prayer was offered up, together with the following supplication in Latin, in order to implore a blessing upon the synod:— A.D. 1661. K. Chas. II.

The prayer offered up.

"O God the Holy Ghost[u], we here present ourselves, impeded indeed by sinful vanities, yet specially gathered together in the name of Christ. Come unto us and abide with us. Deign to pour Thyself into our hearts. Teach us what to do and how to speak. Direct our acts, so that under thy guidance we may be enabled to please Thee in all things. Extend thy salvation to us and to all who hope in Thee. Guide and confirm our judgments, and those of all thy servants who bear thy divine commission in every place, but more especially here in our synod at York[4]. Of thy special goodness remember our sovereign K. Charles II., with those who guide his counsels, whether ecclesiastical or civil, whether public or private. Thou who lovest equity, suffer us not to pervert justice. Let not ignorance mislead us from the right way. Let not favour affect us. Neither permit bribery nor flattery to corrupt us. But unite us so closely to Thee by the gift of thy grace alone, that we may be as one, and never stray from truth. Thus gathered together in thy name, may we in all things adhere with pious temper so constantly to justice, that herein our wills may perfectly agree with thine, and that we may hereafter behold Thee face to face in bliss for ever, and always reign with Thee, through Jesus Christ, our Lord and Saviour, to whom with the Father, ever blessed in the unity of the Holy Spirit, be all honour, dominion, and thanksgiving for ever.—Amen."

[u] Conc. Mag. Brit. iv. 567.

The synod presided over by commissioners of the archbishop.

The synod[v] having been thus opened[w] under the presidency of Dr. Richard Marsh, dean of York, Archdeacon John Neil, and Dr. Anthony Elcocke, the sub-dean, as commissioners for Archbishop Frewen, was continued to the afternoon without entering on further business.

[v] Trevor, p. 105. Conc. Mag. Brit. iv. 567.
[w] May 8, 1661.

When[x] the members again assembled, and Latin prayers

[x] Scss. 2.

[4] The word "York" was afterwards altered to "now in London," when proxies were sent thither in the autumn, as we shall presently see.—Trevor, p. 104, note.

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had been said, Dr. Marsh desired that a prolocutor should be appointed.

Dr. Neil prolocutor.

The unanimous choice of the clergy fell upon Dr. Neil, one of the commissioners. That gentleman upon presentation being accepted and admitted by Dr. Marsh, took upon himself the duties of his new office.

Royal licence to enact canons transmitted to the synod.

This synod subsequently held six sessions; and in the mean while a royal licence, dated July 23, was issued empowering the prelates and clergy of the northern province to amend the canons and constitutions of the Church. This measure was taken in conformity with the course pursued in the southern province at this time, where, as we have seen, the projected reform in the ecclesiastical law had been carried on with speed[y] and energy.

[y] Syn. Ang. ii. 71—74, and vid. sup. pp. 704-5.

The synod rises.

The royal licence was formally read to the York Synod on the[z] 8th of August, from which day the assembly was prorogued to the 21st of November next ensuing.

[z] Conc. Mag. Brit. iv. 567.

XIII. Review of the Prayer Book promoted.

We must here retrace our steps slightly, in order to observe that during the sessions of the late parliament, which assembled on May 8, the House of Commons evinced some[a] irritation, because no good results had been secured by the collisions in the Savoy conference (an event, by the way, not to be wondered at); and some consequent impatience was manifested that no accommodation on the subject of a revised liturgy was come to. By the orders of the house search was made for the Common Prayer Book of 1552, *i. e.* the second reformed book; and eventually a bill for uniformity was, on July 9, sent up to the House of Lords, with a printed copy of the book of 1604, *i. e.* the fourth reformed book, attached. This enterprise, however, failed, for the bill sank. Consequently the bishops, after the rising of the convocations and parliament, applied their minds vigorously to the subject of a revision of the public liturgy. Some of them were disposed to re-establish the former service-book entire, while others pressed for such alterations and additions as might silence scruples and satisfy claims without marring the substance of the work. However, it seems to have been agreed on all hands, after the ridiculous exhibitions at the Savoy conference, that, whichever course was pursued,

[a] Bulley's Variations, pref. xxv.

measures could only hopefully be taken under the sanction of the provincial synods of England, the authorized arbiters in such a conflict. With this important business then before them, being nothing less than a revisal of the national liturgy, the two provincial synods of England, the last which our present subject will lead us to consider, were summoned to meet in November, 1661.

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XIV. Provincial synods of November, 1661.

The two synods met at Westminster[b] and at York[c] respectively on the day appointed, November 21, 1661. As the review of the English liturgy was a matter now requiring expedition, it seemed desirable to avoid such delays and inconveniences as would necessarily have arisen if the business had been separately transacted in the two provinces. The northern prelates, therefore, together with duly-authorized proxies from York, attended in the southern synod, that thus a complete national sanction might be given to the proceedings of the latter assembly. From this circumstance it will be more convenient for the easy prosecution of our subject to consider the acts of the York Synod first.

[b] Conc. Mag. Brit. iv. 566. Syn. Ang. ii. 83.
[c] Conc. Mag. Brit. iv. 567.

1. York Synod.

On the day above[d] specified the[e] York Synod assembled, and from a peculiarity in the registers[f] it would appear that the forms and prayers above specified at a previous[g] meeting were again observed and offered up. No business, however, is on record as having been transacted in this first session; but the synod was continued[h] to the 30th of November.

[d] Sess. 1, Nov. 21, 1661.
[e] Conc. Mag. Brit. iv. 567. Wake's State, Append. No. clviii.
[f] Trevor, p. 103.
[g] Vid. sup. pp. 706, 707.
[h] Conc. Mag. Brit. iv. 567.

Important communications made to officers of the synod.

Before that day arrived some very important communications were made to the officers of the synod. The contents of these documents, therefore, we will here consider in their chronological order, and then pass on to the consequent acts of the assembly itself.

The royal licence directed to Archbishop Frewen.

On the 22nd of November the[i] king's licence had been directed to the Archbishop of York, empowering his provincial synod to "review the Book of Common Prayer" and "the book of the form and manner of making and consecrating bishops, priests, and deacons;" with a further instruction that the synod should "make such additions or alterations in the said books respectively as to them shall seem meet and convenient;" and

[i] Conc. Mag. Brit. iv. 567. Wake's State, Append. No. clviii. Trevor, p. 107.

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these were to be presented in writing for his majesty's confirmation.

Transmitted to York.

At that time the[j] Archbishop of York, with his three suffragans of Durham, Chester, and Carlisle, were in London; when therefore the archbishop received the royal licence, he took, in conjunction with those prelates, immediate measures for transmitting the document to the York Synod, which had been opened on the previous day.

[j] Conc. Mag. Brit. iv. 568.

The northern prelates' letter to the synod.

Together with the royal licence the four northern prelates sent down a letter, directed[k] to "the right worshipful Dr. John Neil, prolocutor, and the rest of his brethren of the convocation assembled for the province of York." The contents of this letter were to this effect: the northern prelates took notice of the anxiety of the king that the review of the Common Prayer Book should be carried on with all possible dispatch. They informed the York Synod that they were sitting in consultation with the bishops of the southern province on the business; and that as the time allotted for the settlement of the matter was brief, the ordinary course of transmitting the conclusions from Canterbury to York for concurrence would entail inconvenient delays. Under these circumstances they desired the members of the lower house of the York Synod to appoint proxies, under their chancellor's seal, who should be empowered on behalf of that body to assent and consent to the acts of the Canterbury Synod in relation to the matters under hand. Urging expedition, the northern prelates committed their correspondents to God's protection, and so appended their signatures:—Accept. Ebor.; Jo. Duresme; Rich. Carliol.; Bri. Cestrien.

[k] Conc. Mag. Brit. iv. 568. Wake's State, Append. No. clviii. Trevor, pp. 107-8.

Archbishop Frewen's note to Mr. Aisleby, the York registrar.

In addition to his majesty's licence for the review of the Prayer Book, and the prelates' letter last mentioned, there[l] was also enclosed a note from Archbishop Frewen, dated November 23, to Mr. George Aisleby, the registrar at York. In this communication a request was made that the business referred to might be hastened with the greatest dispatch, as being of "great and general concernment;" and notice was taken that if delay should occur, the rights and privileges of the York Synod might chance to fall into much jeopardy.

[l] Conc. Mag. Brit. iv. 568. Wake's State, Append. No. clviii. Trevor, p. 108.

Upon the arrival of this despatch at York, it seems that[m]

[m] Conc. Mag. Brit. iv. 567.

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an intimation was sent to the members of the provincial synod respecting the important business which would be submitted to their notice on the next day of meeting, viz. Nov. 30, to which time it will be remembered that the assembly [n] had been prorogued [o].

[n] Conc. Mag. Brit. iv. 567.
[o] Sup. p. 709.

Proxies deputed by the northern to attend in the southern synod.

On [p] that day [q] an earnest debate took place on the subjects now specially brought forward, and every care was taken to secure a proper selection of fit persons to appear as proxies in the southern synod. After diligent consultation, an [r] instrument of proxy was drawn up by unanimous consent, deputing the undermentioned gentlemen for the purpose; viz. Dr. John Barwick, dean of S. Paul's; Dr. John Earles, dean of Westminster; Dr. Henry Fern, dean of Ely, prolocutor; Henry Bridgeman, dean of Chester; Robert Hitch, archdeacon of Leicester; Matthew Smalwood, proctor for archdeaconry of Chester and Richmond; Andrew Sandiland, proctor for the East Riding; Humphrey Floyd, proctor for the York chapter.

[p] Sess. 2, Nov. 30, 1661.
[q] Conc. Mag. Brit. iv. 567.
[r] Conc. Mag. Brit. iv. 568, 569. Trevor, pp. 109, 110. Kennett's Register, p. 565.

The letter of proxy was an instrument conceding very large powers to the gentlemen above mentioned. During the review of the Book of Common Prayer, by the Canterbury Synod, they were all and each empowered to assent and consent, or to dissent and oppose, on behalf of the lower house at York, in respect to all propositions which might be made. A general authority, moreover, was given to them to transact all such matters of business as might be executed by the members of the lower house of York if personally present. A formal salvo was, however, added for the liberties and customs of their province, as well as for the dignity and honour of their cathedral church. In giving this instrument, the house bound itself to the acts of its proxies, under recognizances reaching to the value of all their goods and chattels. The chapter seal of the cathedral church of York having been appended to the document, which was dated the last day of November, 1661, this important business so far came to an end.

Six propositions introduced into the York Synod touching the review of the national liturgy.

Notwithstanding the lower house at York had given this ample power to proxies, it did not therefore consider itself precluded from discussing the review of the national liturgy, a subject so important to the whole Church.

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Consequently we find, on the occasion of a session held on the 13th of December, about a fortnight after the one we have just considered, that some[s] propositions were exhibited respecting any alterations which might be made in the liturgy. The member who brought them in was Dr. Samwayes, proctor for the clergy of Chester and Richmond, and the colleague of Dr. M. Smalwood, who had been deputed as one of the proxies to the southern synod. The propositions brought forward by Dr. Samwayes are reasonable enough, and, moreover, they are couched in modest language, being put in the form of queries. The pith of them is as follows. It is asked,—

[s] Conc. Mag. Brit. iv. 569.

1. Whether, in case any alterations in the liturgy should be decided upon, a public declaration should not be made, stating that the grounds of such change are different from those pretended by schismatics? Whether the souls of good men without any such alteration were not safe in the Church, and whether wilful schism was not a heinous crime, and consequently whether separatists should not be entreated to repent; and, further, whether their proceedings were justifiable because the Church was so compliant as to heed their carping exceptions?

2. Whether a canon might not fitly be conceived for the observance of the ember weeks, and collects framed for imploring the graces of the Spirit on those who should be then ordained to holy functions?

3. Whether it were not expedient that the holy eucharist should be celebrated on all days for which that service is appointed, and that the communion office at least in cathedrals should be said always at the communion table; for in this case exceptions would cease against its being read apart from the morning prayer; and, moreover, if there should be no celebration, the fault would then lie at the door of those who failed to present themselves to participate, and could not be justly charged on the clergyman, who was in a posture for doing his duty?

4. Whether a standing position at the psalms and hymns and the recital of the "Gloria Patri" should not be enjoined as well as at the rehearsal of the creed? And whether it would not tend to allay religious animosity, if men's behaviour

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were so far restricted that none should use any outward gestures in the performance of divine offices but such as were authorized by the canon?

5. Considering the excesses of violence, injustice, and spoliation into which men had run out during the rebellion, though they were discharged from civil processes in that behalf, yet should not every clergyman, more especially before the celebration of the eucharist, remind his hearers to repent of such misbehaviour, and exhort them to consider a civil pardon for such sins as far short of satisfaction, and so to seek a higher pardon from the throne of grace, and further, to reconcile themselves to their neighbours, and, if need be, make restitution for wrongs done?

Under this head a query is also started, whether those who persist in holding possessions unjustly gotten in the late rebellion can be meet communicants? And whether a clergyman ought to receive such as partakers of the eucharist, however well satisfied the offenders may be of their own fitness? And all this is urged, not by way of suggesting any diminution of his majesty's "act of oblivion," but to win sinners to seek pardon from Him who alone is able to forgive.

6. Lastly, since some persons involving themselves in covenants, inconsistent with their oaths of supremacy and allegiance, have pleaded in behalf of their conduct that his majesty's authority and the authority of schismatical so called ecclesiastical government were co-ordinate, a query is suggested, whether some addition might not be made to the above-named oaths, excluding such evasions, and asserting his majesty as supreme, not only in opposition to the external claims of the Pope, but also to these internal claims of a self-constituted classis?

The six propositions approved, and it was agreed that they should be transmitted to London in order to their being communicated to the Canterbury Synod.

These six propositions exhibited by Dr. Samwayes are drawn with much wisdom, and commend themselves to approval. The York Synod itself seems indeed to have been well satisfied with them; for they were fully approved, and an order[t] was made[u] that they should be transmitted to Archbishop Frewen and his suffragans in London, in order that they might be communicated (if it

[t] Conc. Mag. Brit. iv. 569. Ed. Tanner MSS.

[u] Dec. 13.

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should so seem fit to the northern prelates) to the Canterbury Synod then convened at Westminster.

The York Synod rises.

Sundry other sessions[v] of this provincial synod were held[w], in which, however, nothing worthy of remark was transacted, and on the 5th of June, 1662, the assembly was prorogued.

[v] Mar. 20, Ap. 3, May 7, June 5, 1662.
[w] Conc. Mag. Brit. iv. 570. 575.
[x] Conc. Mag. Brit. iv. 556.

2. Canterbury Synod.

We must now retrace our steps in point of time, and return to the date on which the last synod met, viz. Nov. 21, 1661. For on the same day that important[x] Canterbury Synod assembled[5] to which this nation is indebted for the Book of Common Prayer now in use.

Measures taken by the synod for a review of the Prayer Book.

The measures now taken for the revision of the English liturgy appear to have been as follow.

Books and MSS. consulted.

Several books[y] and papers are said to have been made use of in the prosecution of the business. The first of these were some MS. notes written in an interleaved Common Prayer Book belonging to the Bishop of Durham's library, and which were supposed to have been extracted from the collections of the learned Bishop Overall. The second[z] were some MSS. notes in another Common Prayer Book, collected by Bishop Cosens himself. The third[a] were some supplementary Latin notes of the same prelate, written by his own hand, in an octavo MS., and belonging to the Rev. C. Neil, vicar of North Allerton; and the fourth[b] were MSS. notes of Bishop Andrews, partly taken from the Bishop of Durham's library, and partly from the collection of Mr. Neil before mentioned.

[y] Kennett's Register, p. 566.
[z] Kennett's Register, p. 566.
[a] Kennett's Register, p. 566.
[b] Kennett's Register, p. 566, and vid. Dr. Nichols on Com. Prayer.

Method pursued by the synod in the work of revision.

The method pursued by the synod in the important work of revising the liturgy was well calculated to commend itself to general satisfaction. A committee of bishops[6] was appointed by the upper house, with power given to any three of them to proceed in the business. These prelates[c] were to meet at the Bishop of Ely's house every day, except Sundays, at 5 p. m., until their work should be com-

[c] Syn. Ang. ii. 84.

[5] The members of this assembly were the same as of the last Canterbury Synod. For a detailed list of their names, see Kennett's Register, pp. 480—482. Vid. sup. p. 701, note.

[6] John, bishop of Durham; Matthew, bishop of Ely; Robert, bishop of Oxford; John, bishop of Rochester; Humphrey, bishop of Sarum; George, bishop of Worcester; Robert, bishop of Lincoln; William, bishop of Gloucester.—Syn. Ang. ii. 84.

pleted. It appears that the labours of this committee were in some measure lightened by aid lent from time to time in the sessions[d] of the upper house; and that when portions of the book were there agreed to, they were delivered[e] to the prolocutor, with directions that the lower house should revise[f] and amend[g], as should to them[h] seem necessary. By the 29th[i] of November the Prayer Book was so far finished that the form of ordination was engaging the attention of the upper house; and on the 2nd[j] of December the revision of the preface, written by Sanderson[k], was committed to the Bishops of Ely, Oxford, Sarum, and S. Asaph, a work[l] which they completed within a few days[m].

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[d] Sess. 26—30.
[e] Sess. 28. 31. Syn. Ang. ii. 85. 87.
[f] Syn. Ang. ii. 85.
[g] Syn. Ang. ii. 87, 88.
[h] Syn. Ang. ii. 91, 92. Sess. 41, 43.
[i] Syn. Ang. ii. 88.
[j] Syn. Ang. ii. 88.
[k] Lathbury, p. 301.
[l] Syn. Ang. ii. 90.
[m] Sess. 38.

The calendar.

The reformation[n] of the calendar was the work of Mr. Pell, assisted by Dr. Sancroft, afterwards Archbishop of Canterbury, so renowned for the sacrifices he made in defence of honour and conscience. This Mr. Pell was happily chosen for the revision of the calendar, as he was a most acute mathematician[o], as well as a person of extensive learning, being acquainted with nine languages besides his own. His success, however, in acquiring knowledge was more remarkable than in providing for his temporal needs, for he was more than once in prison, wanted the commonest necessaries, even pens and ink, essential, one would think, to his peculiar pursuits, and was at last buried by the charity of his friends. His labours, as connected with the calendar, were finished by the 5th of December[p], on which day the results of his application were introduced[q] into the synod, and committed for examination to the Bishop of Carlisle.

[n] Kennett's Register, p. 574.
[o] Kennett's Register, p. 575.
[p] Sess. 37.
[q] Syn. Ang. ii. 89.

Occasional forms of prayer.

The form[r] of prayers to be used at sea, emendations[s] in the office for burial at sea[t], and in the commination[u] and churching[v] services, were also introduced on Dec. 9; and the upper house on the same day decided upon[w] forms of prayer to be used both before and after sermons within the province of Canterbury.

[r] Syn. Ang. ii. 89. Sess. 38.
[s] Syn. Ang. ii. 90.
[t] Sess. 40.
[u] Sess. 40.
[v] Sess. 40.
[w] Sess. 40.

Conclusion of the work.

By the 13th of December matters were brought into so forward a state, that the Prayer Book, with the amendments proposed, had been duly transcribed, and was committed[x] for final revision to a committee of both houses, consisting of the Bishops of Salisbury, S. Asaph, Car-

[x] Syn. Ang. ii. 93. Sess. 44.

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lisle, and Gloucester, associated with Drs. Robert Pory, John Pearson, and Anthony Sparrow. And thus the last touches seem now to have been accorded to the work, save some small emendations[y] in the preface, the revision of some new collects[z], said to have been the work of Sanderson[zz], and the addition of a general thanksgiving[a], composed by the Bishop of Norwich, matters which occupied attention on this[b] and the following day.

Form of subscription prepared.

It now became necessary to provide "a form of subscription to the new service book[7]." The preparation of this document, being a business

[y] Sess. 44. Syn. Ang. ii. 93.
[z] Sess. 44. Syn. Ang. ii. 93.
[zz] Lathbury, p. 301.
[a] Sess. 45. Syn. Ang. ii. 93. Kennett's Register, p. 579.
[b] Dec. 13, 14.

[7] The chief variations in this revised Prayer Book, as compared with the book previously in use, are as follow:

1. *Alterations.*—The new version of the Bible was adopted, except as specified hereafter. The order for reading the Psalms was simplified, and the "Gloria Patri" expressly ordered after every division of the 119th Psalm. The version, however, of "the Great Bible," as contradistinguished from what is called "the authorized version," was retained in the Psalter as well as in the Ten Commandments. Several lessons in the calendar were changed, the Book of Bel and the Dragon reinserted, typographical errors rectified, and lessons added for the 29th of February. The sentences, exhortation, confession, and absolution were printed before the Lord's Prayer in the evening service, which before this review was not the case. The absolution was directed to be read by the "priest" standing, instead of "minister." The five last prayers at morning and evening service were introduced from the end of the litany, from which also the occasional prayers were detached. In the litany "bishops, priests, and deacons" were inserted, instead of "bishops, pastors, and ministers." "Church" in several places was substituted for "congregation." The collects for the following days were considerably altered—S. Stephen, fourth Sunday after Epiphany, fourth Sunday after Easter, the second, eighth, eleventh, eighteenth, and nineteenth Sundays after Trinity, S. Paul, S. Philip and S. James, and S. Bartholomew. The genealogy was omitted in the gospel for the Sunday after Christmas. Instead of using the word "epistle" when a portion of the Old Testament or of the Acts of the Apostles was read in that part of the office, it was ordered that the expression used should be, "the portion of scripture appointed for the epistle." The two previous exhortations to the Lord's supper were altered, and ordered to be read on the Sunday or holy day preceding the day of celebration, and not when the people were actually assembled to receive. In the prayer for "the Church militant here on earth" that righteous thanksgiving was inserted, "We also bless thy holy name for all thy servants departed this life in thy faith and fear." At the reading of the gospel and recitation of the Nicene Creed the people were ordered to stand. At the consecration of the eucharistic elements marginal rubrics were added for the direction of the priest, and provision made for additional consecration in case of need. Some new rubrical directions were placed at the end of the communion office, and others thought unnecessary omitted. In the office for public baptism there was added the interrogation, "Wilt thou keep God's holy will and commandments?" &c., together with the answer, "I will." In the prayer preceding the act of baptism the words "sanctify

of some delicacy and importance, was committed[c] by the upper house, on the 19th of December, to Drs. Cosens and Hinchman, respectively Bishops of Durham and Salisbury, who were to be assisted in the work by Dr. Chaworth, vicar-general of the Bishop of London, and Dr. Burrell, who held the same office in the diocese of Durham. The prelates above mentioned, with[d] their two legal advisers, met in the afternoon of the day[e] on which the matter was entrusted to their hands at the office of the principal registrar of the Archbishop of Canterbury, and there, after inspecting some records and ancient documents preserved in the archives, they unanimously agreed to a form of subscription suitable for the purpose under hand. This business was transacted in the presence of two public

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[c] Syn. Ang. ii. 94.

[d] Syn. Ang. ii. 94, 95.

[e] Dec. 19.

this water to the mystical washing away of sin" were inserted. Changes were made in the confirmation service and in that for matrimony. In the ordination service a form of words at the imposition of hands was altered. The first rubric in the order for the burial of the dead was altered; and also the 39th and the 90th Psalms, now preceding the lesson in the burial service, were inserted. In the first reformed Prayer Book the 116th, 139th, and 146th were those appointed; in the subsequent editions these were omitted, and none others substituted until the present occasion.

Such were the chief alterations now made in the Prayer Book.

2. *The additions* were principally those following:—

Prayers for the ember weeks; the prayer for the parliament, from a form used in K. Charles I.'s time, but now first incorporated with the litany; the prayer for all conditions of men, by Gunning, proctor for the diocese of Peterborough; and the general thanksgiving, most probably by Edward Reynolds*, bishop of Norwich. There were added also the words "rebellion" and "schism" in the litany; the first of the anthems for Easter day; a distinct collect, epistle, and gospel for the sixth Sunday after Epiphany; a distinct epistle for the purification (the epistle for the previous Sunday having before been used); and also a collect for Easter even. The office for the baptism of those of riper years was now first compiled. The words "if he humbly desire it" were introduced into the rubric before absolution in the visitation of the sick, and together with this some other additions were there made. Forms of prayer to be used at sea were also added.

Those usually termed the state services (which since this date have been mutilated) were not now concluded upon in the synod at the same time with the rest of the book, but were reserved for subsequent consideration. For the form for the 5th of November having been revised, was, together with the offices for January 30 and May 29, unanimously adopted† by the Canterbury Synod on the 26th of April in the following year, 1662.—See Shepherd. Wheatly, Introduc. p. 26. Kennett's Register, pp. 585, 586. Bulley's Variations, Pref. pp. 23—28 and notes. Berens' Hist. of Prayer Book, p. 156. Lathbury, pp. 301—304.

* Syn. Ang. ii. 93. Kennett's Reg. p. 579.

† Syn. Ang. ii. 100.

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notaries, Mr. William Fisher and Mr. Francis Mundy, so that no pains seem to have been spared to secure an instrument for subscription which might prove unexceptionable.

The English Prayer Book subscribed by the whole synod.

And now[f] the memorable day arrived, the 20th of December, 1661, on which the sanction of our two provincial synods (the northern prelates and York proxies being joined with the members of the southern assembly) was given to the Common Prayer Book; that liturgy which, deservedly beloved by Englishmen, was thenceforward commended to them by the full authority of their national Church. The book, approved and first subscribed by Archbishop Juxon, was brought before the synod, and there the bishops[g] with unanimous assent and consent signified approval, and subscribed their names also to the work[8]. As soon as they had appended their signatures to the instrument of subscription some of the prelates adjourned to the parliament then sitting, leaving[h], however, the Bishops of Oxford, S. Asaph, and Llandaff in the convocation-house to preside while the lower clergy added their names also. The entire subscriptions embraced the signatures, either in person or by proxy, of the two metropolitans, twenty bishops,

[f] Syn. Ang. ii. 95. Conc. Mag. Brit. iv. 566.

[g] Syn. Ang. ii. 95.

[h] Syn. Ang. ii. 95.

[8] The form of subscription of the upper house of Canterbury was as follows:—

"Librum precum publicarum administrationis sacramentorum, aliorumque rituum Ecclesiæ Anglicanæ, unà cum formâ et modo ordinandi et consecrandi episcopos, presbyteros, et diaconos, juxta literas regiæ majestatis nobis in hâc parte directas, revisum et quingentas quadraginta et quatuor paginas continentem; Nos Gulielmus providentiâ divinâ Cantuariensis archiepiscopus, totius Angliæ primus et metropolitanus, et Nos episcopi ejusdem provinciæ, et in sacrâ provinciali synodo legitimè congregati, unanimi assensu et consensu, in hanc formam redigimus, recepimus, et approbavimus, eidemque subscripsimus; vicesimo die mensis Decembris, an. Dom. millesimo, sexcentesimo, sexagesimo primo.

"W. Cant.

"Gilb. London.
"Gulielmus Bath et Wellens. per procuratorem suum Ro. Oxon.
"Matthæus Elien.
"Ro. Oxon.
"Guil. Bangor.
"Joh. Roffens.
"Hen. Cicestrensis.
"Humphredus Sarum.
"Georgius Vigorniensis.
"Georgius Asaphensis.
"Guiliel. Menevensis.
"Ro. Lincoln.
"B. Petrib.
"Hugo Landovensis.
"Johannes Exoniensis.
"Gilb. Bristoliensis.
"Guil. Gloucestrensis.
"Ed. Norvic."

eighty-four members of the lower [9] house of Canterbury, and the six proxies deputed by the lower house of the York Synod.

A. D. 1661. K. Chas II.

[9] The form of subscription of the lower house of Canterbury was as follows:—

"Nos etiam universus clerus inferioris domûs ejusdem provinciæ synodicè congregat. dicto libro publicarum precum, sacramentorum, et rituum, unà cum formâ et modo ordinandi et consecrandi episcopos, presbyteros, et diaconos unanimitèr consensimus et subscripsimus, die et anno prædictis.

"Hen. Fern., Decan. Eliens. et Prolocutor.
"Guil. Brough, Decan. Glouc.
"Thom *. Warmstry, Decanus Wigorn.
"Jo. Barwick, S. Pauli London. Decan.
"Jo. Earles, Dec. Westmonasterii.
"Alex. Hyde, Dec. Winton.
"Herbert. Croft, Dec. Hereford.
"Jo. Crofts, Dec. Norvicensis.
"Michel. Honywood, Decan. Lincoln.
"Edv. Rainsbowe, Dec. Petriburgensis.
"Gulielmus Paul, Decan. Litchfield.
"Nat. Hardy, Decan. Roff.
"Seth. Ward, Decan. Exon.
"Griff. Ossoriensis, Decanus Bangor.
"Johan. Fell, Decanus Ædis Christi Oxon.
"Guil. Thomas, Præcentor Menevensis.
"Geo. Hall, Archidiac. Cantuar.
"Tho. Pask, Archidiac. Londin., per Procuratorem suum Petrum Gunning.
"Robertus Pary †, Archidiac. Middles.
"Johannes Hansley, Archidiac. Colcest.
"Marcus Frank, Archidiac. S. Alban.
"Johannes Sudbury, Procurator Capituli Eccles. Westmonaster.
"Tho. Gorges, Archidiac. Winton.
"Bernardus Hale, Archidiac. Wellensis.
"Grindallus Sheafe, Archidiac. Wellensis.
"Joh. Shelleck, Archidiac. Bathon.
"Johannes Pearson, Archidiac. Suriensis.
"Guil. Pierce, Archidiac. Taunton, per Procuratorem suum Ric. Busby.
"Guil. Creed, Archidiac. Wilts.
"Joh. Rynes, Archidiac. Berks.
"Tho. Lamplugh, Archidiac. Oxon.
"Guil. Hodges, Archidiac. Wigorn.
"Franc. Coke, Archidiac. Stafford.
"Edvardus Young, Archidiac. Exoniensis.
"Raphael. Throckmorton, Archidiac. Lincoln.
"Jasper. Mayne, Archidiac. Cicestrens.
"Geo. Benson, Archidiac. Heref.
"Antonius Sparrow, Archidiac. Sudburiens.
"Robertus Hitch, Archidiac. Leicestrens.
"Guil. Jones, Archidiac. Carmarthen.
"Edvardus Vaughan, Archid. Cardigan. per Procuratorem suum Guil. Jones.
["Gulielmus Gery.

* ? Warmistre.

† ? Pory.

A.D. 1661. Archbps., William Juxon, Accepted Frewen.

Continuation of the synod.

After this important business had been transacted, the members, requiring some cessation from

" Gulielmus Gery, Archidiac. Norvicensis.
" Guil. Fane, Procurator Diœceseos Bathon et Wellens.
" Gualterus Foster, Procurator Diœceseos Bathon et Wellens.
" Petrus Mews, Archidiac. Huntington.
" Nicolaus Preston, Procurator Capituli Winton.
" Josephus Loveland, Procurator Capituli Nordovicens.
" Hen. Sutton, Procurator Vigorn. Diœces.
" Richardus Harwood, Procurator Diœces. Glouc.
" Francis. Davis, Archidiac. Landavens.
" Robertus Morgan, Archidiac. Merioneth.
" Mich. Evans, Capituli Bangor. Procurator.
" Rodol. Brideoak, Diœc. Oxon. Procurator.
" Johannes Priaulx, Procur. Capituli Sarisb.
" Guil. Mostyn, Archidiac. Bangor.
" Edvardus Wynne, Diœces. Bangor Procurator.
" Herbertus Thorndike, Procurator cleri Diœces. Londinens.
" Johannes Dolben, Capit. Eccles. Cath. Christi Oxon. Procurator.
" Ri. Busby, Capit. Ecclesiæ Wellens Procurator.
" Edvardus Cotton, Archidiaconus Cornubens. per Procuratorem suum Ri. Busby.
" Guilelmus Dowdeswell, Procur. Capituli Wigornensis.
" Josephus Crowther, Procurator Cleri Wigorn.
" Rad. Ironside, Procurator Diœces. Bristol.
" Ed. Hitchman, Proc. Cleri Glocestr.
" Johannes Howarth, Procurator Capit. Eccles. Petrob.
" Thomas Good, Procurator Diœces. Hereford.
" Gualt. Jones, Procurator Capit. Eccles. Cathed. Cicestrensis.
" Petrus Gunning, Procurator Diœces. Petriburgensis.
" Jacobus Fleetwood, Capit. Cov. et Lich. Procurator.
" Gualt. Blandford, Capituli Gloucestr. Procurator.
" Hen. Clemham, Decanus Bristol. per Procur. suum Gualter. Jones.
" Guil. Herbert, Procurator Cleri Suffolciensis.
" Josephus Maynard, Procurator Cleri Diœceseos Exoniensis.
" Johan. Pulleyn, Procurator Capituli Lincolniensis.
" Richardus Ball, Procurator Capituli Eliensis.
" Basilius Beridge, Procurator Diœces. Lincolniensis.
" Georgius Stradling, Cleri Diœces. Landavensis Procurator.
" Humphredus Lloyd, Procurator Cleri Diœces. Asaphensis.
" Timotheus Halton, Capituli Ecclesiæ Cathedralis Menevensis Procurator.
" Egidius Alleyn, Procurator Cleri Diœces. Lincoln.
" Guil. Foulkes, Capituli Asaphensis Procurator.
" Richardus Clayton, Cleri Diœces. Sarisburiensis Procurator.
" Josephus Goulston, Diœces. Winton. Procurator.
" Guil. Rawley, Cleri Eliens. Procurator."

The form of subscription of the prelates of the York province was as follows :—

" Librum precum publicarum, administrationis sacramentorum, aliorumq. rituum Ecclesiæ Anglicanæ, unà cum formâ et modo ordinandi et consecrandi episcopos, presbyteros, et diaconos, juxta literas regiæ majestatis nobis in hâc

their long-continued labours, and Christmas now approaching, the Canterbury Synod was continued[i] to the 8th of Jan., 1662 N.S.

A.D. 1661. K. Chas. II.

[i] Syn. Ang. ii. 96.

The synod assembles again.

It will be unnecessary to follow the remaining acts of this assembly in detail, now that we have seen its great work consummated, viz. the English liturgy ratified and established by complete synodical authority.

Sundry heads of synodical business.

Suffice it therefore to remark that when the members re-assembled[j] on the 8th[k] of Jan., 1662 N.S., the revision of the canons was again entered upon. This business occupied attention at several[l] subsequent sessions, but, as was before remarked[m], no good result ensued.

A.D. 1662.

[j] Sess. 50.

[k] Syn. Ang. ii. 96.

[l] Sess. 53. 55. 63.

[m] Vid. sup. pp. 704-5.

A question[n] was also debated in the upper house of the synod whether the bishops ought to sit in the House of Lords during the trial or condemnation of persons impeached for treason. Upon this subject several gentlemen[1] of the learned profession were consulted, who appeared in the synod[o], and gave their opinions in writing to the effect that during such business the prelates were justified in sitting with the other peers of parliament.

[n] Syn. Ang. ii. 99. Comp. Hist. iii. 252. Conc. Mag. Brit. iv. 566.

[o] Sess. 58.

The[p] next remarkable event in this synod[q] was the election and presentation of Dr. John Barwick, dean of S. Paul's, as

[p] Syn. Ang. ii. 101, and Conc. Mag. Brit. iv. 566.

[q] Feb. 18, 1662 N.S. Sess. 62.

parte directas, revisum et quingentas quadraginta et quatuor paginas continentem; Nos Acceptus providentiâ divinâ Eborum archiepiscopus provinciæ in sacrâ provinciali synodo legitimè congregati, unanimi assensu et consensu in hanc formam redegimus, recepimus et approbavimus, eidemq. subscripsimus, vicesimo mensis Decembris anno Dom. millesimo sexcentesimo sexagesimo primo.

"Ac. Ebor."

"Jo. Dunelmensis." "Rich. Carliol.

The form of subscription of the lower house of York made by their proxies was as follows:—

"Nos etiam universus clerus inferioris domûs ejusdem provinciæ Ebor. synodicè congregati, per nostros respectivè procuratores sufficienter et legitimè constitut. et substitut. dicto libro publicarum precum, administrationis sacramentorum, et rituum, unà cum formâ et modo ordinandi et consecrandi episcopos, presbyteros, et diaconos unanimiter consensimus et subscripsimus, die et anno prædictis.

"Henr. Fern." "Matt. Smallwood *.

"Jo. Berwick †." "Humphredus Lloyd ‡.

"Rob. Hitch." "And. Sandeland §."

* ? Smalwood.
† ? Barwick.
‡ ? Floyd.
§ ? Sandiland.

See Nicholls' Pref. to Book of Com. Prayer, pp. x.—xii.

[1] Sir William Merrick, Drs. Robert King, Edward Lake, — Burrell, and John Birkenhead.

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prolocutor in the place of Dr. Henry Fern, promoted to the see of Chichester. And subsequently the case[r] of some Roman priests—the articles to be observed[s] in visitations—the form[t] for the consecration of parish[u] churches and chapels—the form of subscription[v] to be made on institution by the clergy[w], and by schoolmasters on obtaining licences to teach, together with assent to the three articles in the thirty-sixth canon—the limitation[x] of ordination to the ember[y] weeks, and of each bishop's authority in solemnizing that rite to the bounds of his own diocese—the subject of behaviour in church[z] during the performance of divine[a] offices—all these heads of business occupied the attention of this synod.

Final arrangements of the synod with respect to the Prayer Book.

The final establishment of the Prayer Book, however, is the only subject on which it is necessary to dwell, a work which was satisfactorily carried on to completion. Some emendations in the book recommended by parliament were committed[b] by the upper house for the consideration of the Bishops of S. Asaph, Carlisle, and Chester, and after their revisions were sent down[c] to the lower house, where the members unanimously agreed to the acts of the prelates aforesaid, the correction of the press was placed by the upper house in the hands of Dr. Sancroft[d], Mr. Scattergood, and Mr. Dillingham. Order was taken for a clerical[e] alteration, by which the word "children" was inserted in the place of "persons" [not baptized]; for the printing[f] of the book before the 24th of August, 1662; and for supplying[g] the work, when completed, to the parochial[h] churches in the several dioceses under the inspection of the respective bishops. The forms[i] of prayer for the 5th[j] of November, the 30th[k] of January, and the 29th[l] of May were introduced into the synod, publicly read, and unanimously approved; and for translating the whole[m] work into Latin Dr. John Earle, dean of Westminster, and Dr. Thomas Pearson were appointed by the upper house.

Thanks of the House of Lords given to the synod.

In the prosecution of this whole business the labours of the clergy gave so much satisfaction, that Bishop Sheldon as president intimated to the assembled[n] synod the gratitude with which the upper

r Syn. Ang. ii. 102. Sess. 63.
s Syn. Ang. ii. 102. 104. Sess. 67.
t Conc. Mag. Brit. iv. 566. Syn. Ang. ii. 107.
u Sess. 71.
v Syn. Ang. ii. 108. Sess. 75.
w Conc. Mag. Brit. iv. 572. 574.
x Syn. Ang. ii. 109. Sess. 78.
y Conc. Mag. Brit. iv. 575.
z Syn. Ang. ii. 111, 112. Sess. 85, 86.
a Conc. Mag. Brit. iv. 575.
b Syn. Ang. ii. 103. Sess. 66.
c Syn. Ang. ii. 104.
d Syn. Ang. ii. 105. Sess. 67.
e Syn. Ang. ii. 109. Sess. 78.
f Syn. Ang. ii. 109. Sess. 78.
g Syn. Ang. ii. 108. Sess. 75.
h Kennett's Register, p. 658.
i Syn. Ang. ii. 110. Sess. 80. Conc. Mag. Brit. iv. 575.
j Gunpowder Plot.
k K. Charles the Martyr.
l Restoration of Royal Family.
m Syn. Ang. ii. 110. Sess. 80.
n Syn. Ang. ii. 105. Sess. 70.

house of the imperial legislature had received the Prayer Book. He also[o] added that the lord chancellor in his own name, as well as in the names of the peers in parliament assembled, had given thanks to the archbishops and bishops of both provinces for the care and industry which they had displayed in the revision of the liturgy. Bishop Sheldon[p] was moreover charged with a message from the lord chancellor to the lower house of the synod, declaring the sense of gratitude felt by the House of Lords not only towards the English prelates, but towards the lower clergy also, for the zeal displayed by them in prosecuting the important work on which they had been engaged.

A.D. 1662. K. Chas. II.

[o] Syn. Ang. ii. 106.

[p] Syn. Ang. ii. 106. Sess. 70.

The synod rises.

All matters connected with the revision of the liturgy being thus brought to a happy conclusion, the Canterbury Synod was[q] prorogued[r] on the 20th of May, 1662, by the Bishop of Bath and Wells, under a commission from the metropolitan, Archbishop Juxon.

[q] Kennett's Register, p. 696.

[r] Syn. Ang. ii. 113. Sess. 90.

XV. Act of Uniformity.

Complete synodical sanctions were imparted to the English Common Prayer Book by the proceedings above recounted; and that liturgy was thus established here in conformity with the principles of the primitive age, and was commended to succeeding generations in this country with all the authority which could be exercised by the national Church. Independently, therefore, of any secular sanctions which have been accorded to it, the Common Prayer Book claims and exerts an authority of holy influence in the conscientious forum; for it derives its most sacred obligations from the powers of that kingdom which is not of this world. But that the work might be fortified by the support of the state, and thus become the standard of worship specifically authorized by the secular magistrate, and receive sanctions which would prevail in the civil forum, it was thought necessary that an act of the imperial legislature should be obtained. For this purpose a bill for uniformity was introduced into the House of Lords on the 14th of January, 1662 N.S., and to this bill the Prayer Book, as[s] amended by the late synod, was subsequently attached. Sundry[t] consultations in the privy council were held upon the subject, where four bishops attended to assist in the deliberations: the king moreover, addressed[u] the House of Commons in the banqueting-

[s] Kennett's Register, p. 657.

[t] Feb. 19, Feb. 24.

[u] March 1, 1662 N.S.

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house, Whitehall, commending the matter to their consideration, and desiring that the Act of Uniformity should relate to the book [v] lately presented to him by the convocation. After [w] some debates in [x] both houses of parliament a conference was held [y] between the lords and commons upon the subject of the bill in the Painted Chamber, Whitehall. About a week afterwards [z] the Act of Uniformity [a] was finally passed [b] in the House of Lords; and on the 10th of May, 1662, a message was sent from that assembly to the House of Commons, intimating "that their lordships have [c] agreed with that house in all the amendments to the Act of Uniformity, so as now that great work is past both houses."

[v] Kennett's Register, p. 639.
[w] April 10. 12. 28.
[x] Kennett's Reg. pp. 657, 658. 671.
[y] April 30.
[z] May 8.
[a] 13 & 14 Car. II. c. iv.
[b] Kennett's Register, p. 680.
[c] Kennett's Register, p. 681.

Much, however, as we may rejoice, and reasonably so, on many accounts that our Common Prayer Book is fortified by civil sanctions, we have far higher cause for satisfaction in remembering that in its establishment the original principles of the primitive Church of Christ, and those principles which, moreover, anciently governed the Church of this nation, were scrupulously maintained. Questions of the law divine were on this occasion referred to the spiritualty, and the national Church gave her decisions through her duly constituted provincial synods. Thus, in restoring the spiritual fabric upon the foundations laid by Christ Himself and his apostles, our forefathers, at least in the age now under view, set us an example of obedience to the Lord's specific command—

"Reddite ergo quæ sunt Cæsaris, Cæsari, et quæ sunt Dei, Deo [d]."

[d] Evang. S. Matt. xxii. 21.

CHAPTER XVI.

CONCLUSION.

Τόν τε βάρβαρον ἀπεώσαντο καὶ ἐς τάδε προήγαγον αὐτά, ὧν οὐ χρὴ λείπεσθαι, ἀλλὰ τούς τε ἐχθροὺς παντὶ τρόπῳ ἀμύνεσθαι, καὶ τοῖς ἐπιγιγνομένοις πειρᾶσθαι αὐτὰ μὴ ἐλάσσω παραδοῦναι.—THUCYD. *Hist.* lib. i. ch. 144.

"Nolumus leges Angliæ mutari." Reply of Earls and Barons to K. Henry III. —COLL. *Eccl. Hist.* ii. 477.

THE synodical history of the English Church has now been traced, as originally proposed, to the period of the promulgation of our Book of Common Prayer. The dates on which our provincial synods were subsequently convened, and down to the time when they ceased to be actively engaged, are given in the note below[1]. It seems, however, unnecessary for our

[1] LIST OF ENGLISH SYNODS, A.D. 1663—1717.

Date. A.D.	Place.	Archbishop.	King.	Reference.	Nature of Assembly.
1663 N.S. Feb. 19	.....	William Juxon, Abp. of Cant.	Charles II.	Syn. Ang. ii. 113—122. Conc. M. B. iv. 578	Cant. Provincial Synod, with continuations to July 27, 1663.
1663 N.S. Feb. 19	.....	Accepted Frewen, Abp. of York	Charles II.	Conc. M. B. iv. 575	York Provincial Synod.
1663, May 7	.....	Accepted Frewen	Charles II.	Ibid. 575. 578	York Provincial Synod, with continuations.
1664 N.S. Mar. 17	.....	Gilbert Sheldon, Abp. of Cant.	Charles II.	Syn. Ang. ii. 122—125. Conc. M. B. iv. 578	Cant. Provincial Synod, with continuations to May 18, 1664.
1664, Aug. 23	.....	Gilbert Sheldon	Charles II.	Syn. Ang. ii. 125—129. Conc. M. B. iv. 578	Cant. Provincial Synod, with continuations to Mar. 4, 1665 N.S.
1665 N.S. Feb. 9	.....	Richard Sterne, Abp. of York	Charles II.	Conc. M. B. iv. 578	York Provincial Synod, with continuations to Mar. 9.

[1665, June 22

present purpose to pursue the records farther in detail, because at this point we find the authorized formularies of

LIST OF ENGLISH SYNODS, A.D. 1663—1717—*continued.*

Date. A.D.	Place.	Archbishop.	King.	Reference.	Nature of Assembly.
1665, June 22	.....	Gilbert Sheldon	Charles II.	Syn. Ang. ii. 129. Conc. M. B. iv. 581	Cant. Provincial Synod, with continuation to Aug. 2.
1665, June 22	.....	Richard Sterne.	Charles II.	Conc. M. B. iv. 578. 581	York Provincial Synod, with nine continuations.
1666 N.S. Jan. 26	.....	Gilbert Sheldon	Charles II.	Syn. Ang. ii. 130. Conc. M. B. iv. 581. 585	Cant. Provincial Synod, with two continuations to Sept. 19, 1666.
1666. April 24	.....	Richard Sterne.	Charles II.	Conc. M. B. iv. 581. 585	York Provincial Synod, nine continuations to Feb. 22, 1667 N.S.
1667, Oct. 11	.....	Richard Sterne.	Charles II.	Ibid. 585. 587	York Provincial Synod, with twelve continuations to Dec. 21, 1669.
1670 N.S. Feb. 15	.....	Richard Sterne.	Charles II.	Ibid. 587	York Provincial Synod, with three continuations to May 10, 1670.
1672, Dec. 11	York	Richard Sterne.	Charles II.	Ibid. 593. 596	Provincial Synod, with continuations to Oct. 14, 1675.
1677 N.S. Feb. 16	S. Paul's	Gilbert Sheldon	Charles II.	Ibid. 599	Provincial Synod.
1677 N.S. Feb. 16	.....	Richard Sterne.	Charles II.	Ibid. 599	York Provincial Synod.
1678 N.S. Feb. 16	.....	Richard Sterne.	Charles II.	Ibid. 599	York Provincial Synod.
1679 N.S. Feb. 15	.....	Richard Sterne.	Charles II.	Ibid. 599	*York Provincial Synod.
1679, April 3	S. Paul's	William Sancroft. Abp. of Cant.	Charles II.	Ibid. 602	Provincial Synod, with continuations to Aug. 15.
1679, May 3	.....	Richard Sterne.	Charles II.	Ibid. 603	York Provincial Synod, with continuations to Aug. 25.
1679, Oct. 18	.....	Richard Sterne.	Charles II.	Ibid. 603	York Provincial Synod, with continuations.
1679, Nov. 18	.....	William Sancroft	Charles II.	Ibid. 603	Cant. Provincial Synod, with three continuations to Jan. 31, 1680 N.S.
1680, April 16	.....	William Sancroft	Charles II.	Ibid. 603. 605	Cant. Provincial Synod, with sixteen continuations to Jan. 21, 1681 N.S.
1680, Dec 2	.....	Richard Sterne.	Charles II.	Ibid. 603	York Provincial Synod.
1681 N.S. Mar. 22	.....	William Sancroft	Charles II.	Ibid. 605	Cant. Provincial Synod, with two continuations to April 6, 1681.
1683, July 4	S. Asaph	William Lloyd, Bishop	Charles II.	Ibid. 608	Diocesan Synod.

[1685 N.S.

* As regards the continuations of this synod, mentioned in Conc. Mag. Brit. iv. 599, as compared with the record at p. 603, there appears to be some confusion.

our Church identical with those which we at this day have inherited as a sacred heir-loom. Thus we have the satisfac-

LIST OF ENGLISH SYNODS, A.D. 1663—1717—*continued.*

Date. A. D.	Place.	Archbishop.	Sovereign.	Reference.	Nature of Assembly.
1685 N.S. Mar. 14	.....	John Dolben, Abp. of York	James II...	Conc. M. B. iv. 612	York Provincial Synod.
1685, May 20	S. Paul's	William Sancroft	James II...	Ibid. 612....	Provincial Synod, with eleven continuations.
1686	.....	William Sancroft	James II...	Ibid. 612....	Cant. Provincial Synod, with two continuations.
1687, April 29	.....	William Sancroft	James II...	Ibid. 612....	Cant. Provincial Synod, with three continuations to Nov. 23.
1689, Oct. 18	.....	Thomas Lamplugh, Abp. of York	William III.	Ibid. 621....	York Provincial Synod, with continuations to Feb. 8, 1690 N.S.
1689, Nov. 6	S. Paul's	William Sancroft suspended	William III.	Ibid. 619....	Provincial Synod, with fourteen continuations to Feb. 13, 1690 N.S.
1690, Mar. 27	S. Paul's	William Sancroft suspended	William III.	Ibid. 621....	Provincial Synod.
1695, May 20	.....	John Sharp, Abp. of York	William III.	Ibid. 625....	York Provincial Synod.
1695, Nov. 22	S. Paul's	Thomas Tenison, Abp. of Cant.	William III.	Ibid. 625....	Provincial Synod, with continuations to July 12, 1698.
1698, Aug. 24	.....	Th. Tenison....	William III.	Ibid. 630....	Cant. Provincial Synod.
1701 N.S. Feb. 6	.....	Th. Tenison....	William III.	Ibid. 630. Comp. Hist. iii. 850	Cant. Provincial Synod, with continuations to Sept. 18, 1701.
1701, Dec. 30	S. Paul's	Th. Tenison ...	William III.	Conc. M. B. iv. 631. Comp. Hist. iii. 850	Provincial Synod, with continuations to Feb. 19, 1702 N.S.
1702, Oct. 20	.....	Th. Tenison....	Q. Anne ..	Conc. M. B. iv. 631. Tind. Cont. i. 375. Card. Syn. ii. 709	Cant. Provincial Synod, with continuations to Feb. 1703 N.S.
1704	.....	Th. Tenison....	Q. Anne ..	Card. Syn. ii. 718. Burnet's O. T. ii. 227	Cant. Provincial Synod, with continuations to Mar. 15, 1705 N.S.
1705, Oct. 25	.....	Th. Tenison....	Q. Anne ..	Tind. Cont. iii. 463. Conc. M. B. iv. 632—634. Card. Syn. ii. 720. Burnet's O. T. ii. 247	Cant. Provincial Synod, with continuations in Feb. 1706 N.S.
1706, Dec.	.....	Th. Tenison....	Q. Anne ..	Conc. M. B. iv. 634. Tind. Cont. iii. 500. Burnet's O. T. ii. 281 Hume, p. 957.	Cant. Provincial Synod.

[1707 N.S.

tion of knowing that our divine offices have received the full sanction of the provincial synods of England; and that in this respect our national Church has closely followed the example of the Apostolical and primitive ages of Christianity.

Readers desirous of investigating the subsequent history of our convocations will find themselves amply repaid by perusing the learned and curious researches of the Rev. Thomas Lathbury, who has bestowed much pains in tracing their synodical acts down to the year 1717, at which time party considerations induced some of the political chiefs of the day to check the expression of the Church's voice in her authorized assemblies.

It must suffice here to give a brief account of the constitutional powers which are now invoked for summoning our pro-

LIST OF ENGLISH SYNODS, A.D. 1663—1717—*continued.*

Date. A.D.	Place.	Archbishop.	Sovereign.	Reference.	Nature of Assembly.
1707 N.S. Mar. 5	.....	Th. Tenison....	Q. Anne ..	Conc. M. B. iv. 634. Card. Doc. Ann. ii. 359; and Syn. ii. 724. Burnet's O. T. ii. 281-2. Tind. Cont. iii. 500	Cant. Provincial Synod, with continuations in April, 1707.
1710, Nov. 25	.....	Th. Tenison....	Q. Anne ..	Conc. M. B. iv. 636. Tind. Cont. iii. 623. Burnet's O. T. ii. 341. Card. Syn. ii. 724. 769	Cant. Provincial Synod, with continuations to June 12, 1711.
1711, Dec.	.....	Th. Tenison....	Q. Anne ..	Burnet's O. T. ii. 361. Conc. M. B. iv. 653. Card. Syn. ii. 771	Cant. Provincial Synod, with continuations to July 8, 1712.
1714 N.S. Feb. 16	.....	Th. Tenison....	Q. Anne ..	Conc. M. B. iv. 654. 666. Card. Syn. ii. 775–815	Cant. Provincial Synod, with continuations to July 9, 1714.
1715 N.S. Mar. 21	.....	Th. Tenison....	George I...	Conc. M. B. iv. 666, 667. 670. Card. Syn. ii. 816. 827	Cant. Provincial Synod, with continuations to Sept. 21, 1715.
1716 N.S. Jan. 9	.....	Th. Tenison....	George I...	Card. Syn. ii. 816	Cant. Provincial Synod, with continuations.
1717	.....	Will. Wake, Abp. of Cant.	George I...	Conc. M. B. iv. 672. Card. Syn. ii. 828.	Cant. Provincial Synod, with continuations.

vincial synods, together with the forms used, and a summary of the constituent members. First, the royal writs [2] for assembling the convocations are issued by the crown concurrently with the writs for assembling the Parliament. Those instruments direct each of the archbishops to call together the synod of his province. For an account of their origin the reader is referred to a former part [a] of this work. It is only necessary here to say that they issue as a matter of course, and that the unbroken usage in this respect now partakes of the obligation of common law. As connected with this subject a most extraordinary error prevails among many persons, extending, as it seems, even to some members of our provincial synods, who appear to suppose that the convocations require a *royal licence* in order to empower those bodies to deliberate on matters affecting the Church. This, however, is altogether a misapprehension. The royal writs above mentioned, which are always directed as a matter of course to each metropolitan, and which remain in force until the convocations are either prorogued or dissolved by instruments issuing from the same quarter, are the licences for deliberation, or rather they contain the royal commands to meet for deliberation. The misapprehension above referred to has arisen from a strange confusion between documents altogether different, and from supposing that a royal licence over and above the writ of summons is needed before entering upon debates or the discussion of synodical business. Now a royal licence is required only for "enacting, promulging, and executing" canons, a contingency of very rare occurrence. Even were the government of the Church in this land at this time carried on upon true constitutional principles, a royal licence is an instrument which would be very rarely needed; perhaps if such a document issued once in each sovereign's reign, it would be quite sufficient for all necessary purposes, and for a wholesome management of ecclesiastical affairs.

[a] Supra, p. 259 et seq.

Upon the receipt of the royal writ for the calling together his provincial synod each archbishop issues his mandate. The Archbishop of Canterbury directs his [3] to the Bishop of Lon-

[2] For a copy of a royal writ see Pearce, Law of Convocation, p. 55.

[3] For a copy of the Archbishop of Canterbury's mandate see Pearce, Law of Convocation, pp. 59—62.

don, as dean of the southern province, requiring the latter prelate to summon the bishops, deans, and archdeacons in person, the chapters by one, and clergy of each diocese by two proctors, to the Canterbury provincial Synod.

Upon the receipt of the archiepiscopal mandate by the Bishop of London, he in turn sends to all his comprovincial bishops instruments[4] directing each of them to appear on the day and at the place appointed by the archbishop, and to cite the deans and chapters of their cathedrals, their archdeacons and clergy, admonishing them to be present also.

Each bishop on the receipt of one of the foregoing documents directs a mandate[5] to the dean and chapter of his cathedral, requiring the dean to present himself in person and the chapter to appear by a proctor in the ensuing provincial synod. And at the same time he also directs to each of his archdeacons a mandate[6], directing him to attend the approaching synod in person, and to summon the parochial clergy for the election of their proctors.

The archdeacons in turn cite the clergy of their respective archdeaconries to meet for the purpose above specified. This is done by directing instruments[7] to their apparitors; on the receipt of these, the apparitors send a summons[8] to each clergyman in the respective archdeaconries, specifying the day on which the election of the proctors will take place, and also the day on which the latter are to appear on the part of the clergy in the provincial synod.

It may here be added that the foregoing is the usual arrangement in the province of Canterbury, though unimportant variations occur in the mode of procedure in some cases, as for instance in the diocese of Oxford[b]; and it should be observed that in the southern province there are two proctors for each diocese, and one proctor for each chapter, with, however, two exceptions. They are these:—Rochester chapter sends two proctors, and Windsor none. A list is given in the

[b] See Pearce Law of Convocation, pp. 84, 85.

[4] For a copy of these mandates see Pearce, Law of Convocation, pp. 62, 33.

[5] Ibid. p. 71.

[6] Ibid. p. 76.

[7] Ibid. p. 79.

[8] Ibid. p. 80.

note[9] of the present members of the synod of the southern province, and from a perusal it will appear that the assembly is thus constituted at this day :—

Archbishop of Canterbury	1
Bishops	20
Deans	24
Archdeacons	57
Proctors of the Chapters	24
Proctors of the Clergy	42
Total Provincial Synod of Canterbury	168

[9] PRELATES AND CLERGY OF THE PROVINCE OF CANTERBURY WHO OUGHT TO APPEAR IN THE SOUTHERN ENGLISH SYNOD, A.D. 1855.

UPPER HOUSE.

The Archbishop of Canterbury.

Bishops.

London.
Winchester.
Bangor.
Bath and Wells.
Chichester.
Ely.
Exeter.
Gloucester and Bristol.
Hereford.
Lichfield.
Lincoln.
Llandaff.
Norwich.
Oxford.
Peterborough.
Rochester.
Salisbury.
S. Asaph.
S. David's.
Worcester.

LOWER HOUSE.

Deans.

Bangor.
Bristol.
Canterbury.
Chichester.
Ely.
Exeter.
Gloucester.
Hereford.
Lichfield.
Lincoln.
Llandaff.
Norwich.
Oxford.
London, S. Paul's.
Peterborough.
Rochester.
S. Asaph.
S. David's.
Salisbury.
Wells.
Westminster.
Winchester.
Windsor.
Worcester.

Archdeacons.

S. Asaph, Montgomery. } S. Asaph.
Bangor, Merioneth. } Bangor.
Wells, Bath, Taunton. } Bath and Wells.
Canterbury, Maidstone. } Canterbury.
Chichester, Lewes. } Chichester.
S. David's, Brecon, Caermarthen, Cardigan. } S. David's.
Ely, Bedford, Huntingdon, Sudbury. } Ely.
Exeter, Barnstaple, Totnes, Cornwall. } Exeter.
Bristol, Gloucester. } Gloucester and Bristol.
Hereford, Salop. } Hereford.
Derby, Salop, Stafford. } Lichfield.
Lincoln, Stow, Nottingham. } Lincoln.
Llandaff, Monmouth. } Llandaff.

[London

It will be remembered that previously to the dissolution of the abbeys the Canterbury [c] Synod consisted of 440 members. Subsequently to that spoliation we found [d] it reduced to 168. The number at the present day is exactly the same as that last mentioned, for though the synod has lost since that time five members, by the annihilation of the bishopric of Bristol, the deanery of Wolverhampton, the separate archdeaconry of Anglesey, the capitular proctorship of Wolverhampton, and two clergy proctorships under the Gloucester and Bristol arrangements, still that diminution has been made up by the addition of four archdeaconries, viz. Maidstone, Montgomery, Monmouth, Nottingham, and one extra capitular proctorship somewhat unaccountably attached to Rochester.

[c] Vid. sup. p. 287.
[d] Vid. sup. p. 451.

Upon the receipt of the royal writ by the Archbishop of York, the proceedings in the northern province, though very similar, are not identical with those in Canterbury; the archbishop sending directly to each of the northern bishops a mandate [1] summoning the provincial synod. And it should be observed

LOWER HOUSE OF CANTERBURY, A.D. 1855—*continued.*

London, Middlesex, Westminster.	London.
Norwich, Norfolk, Suffolk.	Norwich.
Oxford, Berks, Buckingham.	Oxford.
Northampton, Leicester.	Peterborough.
Rochester, Colchester, Essex, S. Albans.	Rochester.
Salisbury, Wilts, Dorset.	Salisbury.
Winchester, Surrey.	Winchester.
Worcester, Coventry.	Worcester.

Capitular Proctors.

Bangor.	Bristol.
Canterbury.	Norwich.
Chichester.	Oxford.
Ely.	Peterborough.
Exeter.	Rochester (2).
Gloucester.	S. Asaph.
Hereford.	S. David's.
Lichfield.	Salisbury.
Lincoln.	Wells.
Llandaff.	Winchester.
Lond. { S. Paul's, Westr.	Worcester.

Clergy Proctors.

Bangor (2).	Llandaff (2).
Bath & Wells (2).	London (2).
Canterbury (2).	Manchester (2).
Chichester (2).	Norwich (2).
Ely (2).	Oxford (2).
Exeter (2).	Peterborough (2).
Gloucester and Bristol (2).	Rochester (2).
Hereford (2).	Salisbury (2).
Lichfield (2).	S. Asaph (2).
Lincoln (2).	S. David's (2).
	Worcester (2).

[1] For a copy of this mandate see Pearce, Law of Convocation, p. 63.

that in all cases throughout both provinces, where a mandate is received, a return [e] setting forth the manner in which that mandate has been complied with is subsequently made. Each archdeacon and each chapter make a return to their diocesan, and the bishops severally make their returns to the archbishops.

[e] Pearce, Law of Convocation, p. 65.

The prelates and clergy of the northern province, who ought to appear at this time in the York Synod, are given in a note [2], and upon perusal it will appear that, irrespectively of the new archdeaconry of Lancaster, the assembly consists of the following members, viz.:—

Archbishop of York	1
Bishops	6
Deans	6
Archdeacons	13
Capitular Proctors	7
Clergy Proctors	28
Total Provincial Synod of York	61

Previously to the dissolution of the religious houses, the northern synod, as we have seen above [f], consisted of

[f] Vid. sup. p. 290.

[2] PRELATES AND CLERGY OF THE PROVINCE OF YORK WHO OUGHT TO APPEAR IN THE NORTHERN ENGLISH SYNOD, A.D. 1855.

UPPER HOUSE.

The Archbishop of York.

Bishops.

Carlisle.
Chester.
Durham.
Manchester.
Ripon.
Sodor and Man.

LOWER HOUSE.

Deans.

Carlisle.
Chester.
Durham.
Manchester.
Ripon.
York.

Archdeacons.

Carlisle.
Chester.
Cleveland.
Craven.
Durham.
East Riding.
Landisfarne.
Liverpool.
Manchester.
Northumberland.
Richmond.
Sodor and Man.
York.

Capitular Proctors.

Carlisle.
Chester.
Durham.
Manchester.
Ripon.
York (2).

Clergy Proctors of the following Archdeaconries.

Carlisle (2).
Chester (1).
Cleveland (2).
Craven (2).
Durham (2).
East Riding (2).
Lindisfarne (2).
Liverpool (1).
Manchester (2).
Northumberland (2).
Part of Richmond in Chester (1).
Richmond (2).
Sodor and Man (1).
York (2).
Proctors for clergy of jurisdiction of dean and chapter of York (2).
Keeper of the jurisdiction of Howden (1).
Keeper of the jurisdiction of Allerton (1).

[g] Vid. sup. p. 454.

96 members, subsequently to that sacrilegious spoliation[g], of 55 members; but at this day, by sundry re-arrangements of ecclesiastical jurisdictions, the number has been again raised to 61.

Such is the present constitution of the provincial synods of England, institutions which derive their spiritual origin from the primitive ages of the Church, and are built on foundations in the civil state which may be traced among the remotest archives of our national history. And if, instead of ever hurrying forward with this restless over-eager age, any one would pause awhile amid the busy turmoil, and contemplate among other monuments of antiquity the earlier synods of our country, he might thence catch the grateful sounds of the pure doctrines of the gospel, and distinguish, even in the distance of the past, the spiritual fabric of the Church of Christ existing here in pristine integrity. Such a review would perchance engender feelings somewhat akin to those which arise when through the long aisle of some venerable church the echoes of time-honoured chant or ancient service fall upon the ear, or when, in looking over the plains of our native land, the rising towers of some distant cathedral strike upon the eye, and proclaiming the piety of generations now no more, add a holy solemnity to the interest of the scene.

Although it does not come within the present purpose to trace the latest records of our synodical history, it should not be forgotten that subsequently to the date at which we have here arrived the lower house of the Canterbury Convocation did some good service by saving our Prayer Book from mutilation, and by remonstrating against the publication of heretical and pernicious doctrines. Upon the change of the English dynasty in 1688, an ill-starred freight of Dutch predilections, more especially as regarded ecclesiastical matters, were imported hither in the vessel which bore William of Orange to these shores. One of the passengers on that occasion was the son of a Scotch lawyer, Gilbert Burnet, a man whose private interests did not subsequently suffer in his own keeping. He was afterwards raised to the see of Salisbury, and is known to posterity not only as the author of voluminous works, but as having derived some singular and remarkable satisfaction from insulting the lower orders of the

clergy, and as having, moreover, laboured with excessive zeal to secure for himself the sunny smiles of court favour. When writing of the voyage of William of Orange between the Hague and England, Burnet on more than one occasion takes opportunity to speak of the winds which prevailed during the passage; and he would fain thence suggest some ominous interference on the part of heaven to forward the enterprise in which he was one of the parties engaged. However this may be, the "strong east wind" of which this author speaks, and which at last veering to the south "carried us into Torbay," certainly wafted hither some principles which ill-accorded with those of the national Church.

Subsequently, upon the removal of Archbishop Sancroft and seven of his suffragans, who refused the oath of allegiance to the newly-arrived sovereign, William of Orange, was enabled to pack the bench of bishops with occupants inclining, unless history is exceedingly unjust to their memories, far too much to the characters of court divines; and thus no little danger threatened the faith and doctrine of the English Church from such promotions. One of the first points of attack was the English Prayer Book. His newly-arrived majesty conceived a plan for a comprehensive liturgy, and a commission was issued for the promotion of the enterprise. The proposals of the commissioners were probably transcripts of the royal wishes. Among other innovations chanting was to be discontinued—the sign of the cross in baptism was on some occasions to be omitted—the sacramental elements were to be administered in pews to those who might object to kneeling—the absolution was to be read by deacons—the word "priest" replaced by "minister"—the words "remission of sins" were to be erased as "not very intelligible"—the prayer "O God whose nature and property, &c." was to be left out, as "full of strange and impertinent expressions,"—and the primitive institution of sponsors in baptism was to be annihilated. These are samples of some of the alterations to which our liturgy was to be subjected. And however favourable to the voyage of the Dutch craft the "strong east wind" may have proved in its literal sense, yet in a metaphorical one this blast from the dull cold flats of Holland nearly wrecked the ship of the English Church. The waves now beat about her, she was very hardly saved by the

prudence, constancy, and courage of the lower house of the Canterbury convocation.

> ". . . . . As[3] when the wild sea-wave
> Crests o'er the gallant bark—she scarce evades,
> Under the skilful pilot's guiding hand,
> The surge now heaving up to sweep her deck."

Nor have we only to be thankful to the southern provincial Synod for the preservation of the integrity of our divine offices on this occasion: the testimony which that assembly afterwards bore to the pure doctrines of the Christian religion by resisting the impieties, heresies, and errors of such writers as Toland, Clarke, Whiston, and Hoadley, entails upon us a debt of deep gratitude.

It was on account of a very just opposition raised by members of the Canterbury Synod against the person last named that a political party, at that time in the ascendant, silenced the voice of the Church in 1717. For the moment the powers of the Crown were invoked for that unworthy purpose; but as soon as the excitement which disturbed the temper of the then Whig government had passed away, there were no farther impediments, at least so far as appears, in subsequent years placed by the secular power in the way of synodical action on the part of the Church. It is not fair to blame the civil power for the Church's silence and for the inactivity of her synods during the last century; she must take that blame chiefly on her own shoulders. The civil state has performed its part punctually, unintermittingly. Whenever parliament has been summoned by the Crown concurrent synods in both provinces of England have been also summoned at the same time. If the metropolitans, if the bishops, if the lower clergy have failed to do their duty when summoned; if they have neglected to meet, or if, meeting only in form, they have neglected to bring forward such evils in the religious state of the country as required reformation; if thus they have failed to consult together for the removal of scandals, surely they should themselves be willing to bear the blame of their own negligence, and not

[3] . . . . . ἅτε κῦμα θαλάσσης
Τρηχὺ θοὴν ἐπὶ νῆα κορύσσεται· ἡ δ' ὑπὸ τυτθὸν
Ἰδρείῃ πυκινοῖο κυβερνητῆρος ἀλύσκει
Ἰεμένου φορέεσθαι ἔσω τοίχοιο κλύδωνος.
Apollon. Rhod. Argonaut. ii. 70—73.

endeavour to shift it elsewhere. That the clergy always have been justly treated by the civil power is by no means here asserted; but that the Church in the matter of her synodical deliberations has as yet any just grounds of present complaint is absolutely denied.

Happily, however, the Church of England has thrown off those lethargic slumbers which, during the last century, oppressed her. She has awakened to a sense of her position, her obligations and her duties; and it is daily becoming plainer, as her energies are aroused, that her proper corporate action is absolutely essential for discharging those high functions which properly belong to her. The eloquent Bishop Andrews on one occasion exhorted his hearers that the assembled convocation which he was addressing should not prove itself the ghost of a synod, but that the members should rise to a sense of their duties, and faithfully fulfil the weighty obligations entailed upon them. In like manner that each of our provincial synods should recover the stature and form of an active responsible body seems now to be the wish of the best instructed persons in those assemblies,

"Rursus et incipiant in corpora velle reverti [h]."

[h] Virg. Æn. vi. 751.

And that wish may fairly be taken as the exponent of the views of those members of the national Church who are most heartily disposed to promote her true interests, and best qualified to judge of her most pressing needs.

That such a wish should be entertained can be no matter for wonder when we consider the various necessities which now press the Church on every side; her wants and requirements, which cannot be supplied except by the intervention of synodical powers. Not to dwell here on the imperative call for a review of the canon law and a just and reasonable settlement of that long-neglected and much-needed branch of jurisdiction, no man who considers the matter can be blind to the desirableness of a uniform hymnal, an order for the consecration of churches and churchyards, an office for the reconciliation of penitents, a form for admitting Romanists and other schismatics into the English Church, and another form for the restoration of renegades. These, among many other objects, importunately call for the interposition of the autho-

ritative action of the national Church. By no other conceivable means can these wants be supplied, either in a constitutional way, or in such a manner as to satisfy the consciences and command the obedience of her most zealous and most devoted children.

But not only is the synodical action of the Church required for the supply of these needs; it is needed also for the repair of those decays which the havoc of time is ever working upon the spiritual fabric. "I would only ask," wrote Lord Bacon, "why the civil state should be purged and restored by good and wholesome laws made every third or fourth year in parliament assembled, devising remedies as fast as time breedeth mischiefs, and contrariwise the ecclesiastical state should continue and receive no alteration now for this five and forty years and more. If any man shall object that if the like intermission had been used in civil causes also, the error had not been great, surely the wisdom of the kingdom hath been otherwise in experience for three hundred years' space at the least. But if it be said[1] to me that there is a difference between civil causes and ecclesiastical, they may as well tell me that churches and chapels need no reparations, though houses and castles do, whereas commonly, to speak truth, dilapidations of the inward and spiritual edifications of the Church of God are in all times as great as the outward and material. Sure I am that the very word and style of reformation used by our Saviour, 'from the beginning it was not so,' was applied to Church matters, and those of the highest nature concerning the law moral."

[1] Bacon's Works, vol. ii. p. 510. Ed. Lond. 1826.

And still further, not only on the foregoing accounts does it seem peculiarly necessary at this conjuncture that the synods of the English Church should exert their proper powers. There are other reasons of a pressing nature why the ultimate principles of her spiritual government, and the primary elements which constitute her very existence, should be brought to bear on the great work which lies before her. Every energy of which she is possessed is required at this time to grapple with the ignorance, impiety, and infidelity which abound among the seething masses of our population. The mighty mystery of evil heaving inwardly is now ready to break over the bounds of morality, religion, and revealed

truth. The Church's first mission is to combat the heathenism which prevails even in our own land—to instruct the ignorant—to warn the thoughtless—to recall the wandering—to reclaim the abandoned,—and not only so, but to comfort the afflicted, to bind up the broken-hearted, and to feed the faithful with spiritual food. And how shall all this be done? This we may assure ourselves is a more important inquiry both for prelates and clergy than any questions of glebes and rent-charges, of houses and gardens, of providing luxuries, and securing the goods of this world. For unless their proper work is done heartily, punctually, fearlessly, as by those who look for their Master's return, it is likely enough to be taken from their hands ere they are aware. There are present warnings of such an event. The popular current of legislation now drifts onward with unwonted rapidity towards such a consummation. The undisguised desire on the part of many to separate religious from secular education altogether; the more attractive but still dangerous proposal of establishing a national system which will recognize no fixed standard of faith, but will teach, at the public expense, doctrines varying according to the various forms of misbelief which may happen to prevail in different localities;—these are signs of the times which it is impossible to overlook. They discover an evident tendency, not to say desire, to transfer the education of the people from the supervision of the national Church, and to treat her as one out of many sects enjoying equally with herself the protection, assistance, and regard of the civil state. How unlike are these principles to those which have hitherto guided the councils of this nation in past ages! How little hope do they hold out for the future of securing the blessings which attach to a united people! Doubtless, if the national Church does not show herself equal to the present emergency, strangers will supplant her in her holy office, and it will be well if those who might have been her obedient children shall not become her bitterest foes.

This national Church has too long depended on the zeal and exertions of her individual members. By them, both among clergy and laity, sacrifices incalculable have been made to enable her to maintain her ground as the authorized teacher of the people. But though much has been thus

done, there has lacked the full success which attaches to united and combined action. The great work of the Church never can and never will be successfully or hopefully carried out by the disjointed and disorganized exertions of individuals, let them be as strenuous as they may. If she would succeed in her mission she must act in her corporate capacity. She must go forth on her heavenly errand with one mind, with one voice; and her individual teachers can only know that mind and hear that voice through her synods,—institutions not only sanctioned by the laws of our country, but by the Apostolical and primitive constitution of the early Church of Christ.

In order that the Church may fulfil the great task which is before her, it is surely no unreasonable desire that she should enjoy the full benefit of those substantial supports from the civil state with which the piety and wisdom of our forefathers have surrounded her; and therefore her faithful sons, unwilling that her synods—an integral part of the constitution of England—should be discontinued, are fain to use the words of the English barons before quoted, "Nolumus leges Angliæ mutari." But not only are the synods of this national Church an integral part of the British constitution; they are, according to divine institution, the means of determining the Christian law, and promulgating authoritatively the Christian faith. In the foregoing pages some labour has been bestowed on an inquiry into their history, as it represents the external constitution of our Church. That, however, let us remember, is but the outward visible manifestation of the divine powers entrusted to her, which reside within. That is merely valuable from being, as it were, the casket which contains the treasure—from being the visible depository of the national faith. To such keeping that faith has been entrusted according to the Lord's institution, and in conformity with his laws; and to his institution, to his laws, our hearty allegiance, our willing obedience are surely due. "Let the Athenian[1]," says Clement of Alexandria, "obey the laws of Solon—

[1] Clem. Alex. Protrept, c. x. p. 108.

[1] Ὁ μὲν οὖν Ἀθηναῖος τοῖς Σόλωνος ἐπέσθω νόμοις, καὶ ὁ Ἀργεῖος τοῖς Φορωνέως, καὶ ὁ Σπαρτιάτης τοῖς Λυκούργου, εἰ δὲ σεαυτὸν ἀναγράφεις τοῦ Θεοῦ, Οὐρανὸς μέν σοι ἡ πατρὶς ὁ δὲ Θεὸς νομοθέτης.—Clem. Alex. Protrept. c. x. 108.

the Argive those of Phoroneus—the Spartan those of Lycurgus; but if thou enrollest thyself as God's subject heaven is thy country, and God thy lawgiver." The laws which He lays down and commends to our obedience are promulgated by the voice of his Church here. The country to which He calls us hereafter is typified by the visible presence of his Church on earth. We are indeed citizens of no mean city—the heavenly Jerusalem, whose glories are now unrevealed to mortal eye; yet some reflections of those glories may be here discerned, as cast on its representative below, our earthly Zion. May the affections of her true-hearted children be more closely attached to her by links of no earthly mould, so that the devotion of each one of them to that spiritual home—the national Church of England—in which the providence of God has cast their lot on earth, may be truly expressed in the Psalmist's language[k]:—

[k] Psalm cxxxvi. 5, 6.

SI OBLITVS FVERO TVI JERVSALEM OBLIVIONI
DETVR DEXTERA MEA: ADHÆREAT LINGVA MEA FAVCIBUS MEIS SI NON
MEMINERO TVI, SI NON PROPOSVERO JERVSALEM IN PRINCIPIO LÆTITIÆ MEÆ.

Laus Deo.

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